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# CHAPTER 3

## BUILDING REGULATIONS

### SECTION 3.100 BUILDING CODE

#### 3.100.1 EXISTING BUILDING CODE

(Ordinance No. G-06-12-07-10C1 of December 7, 2006)

##### 3.100.1A INTERNATIONAL EXISTING BUILDING CODE (2006 EDITION) ADOPTED

The 2006 edition of the *International Existing Building Code* (including all appendices) as published by the International Code Council, one copy of which shall be placed on file in the office of the City Secretary of the City of Round Rock, Texas, is hereby adopted as the Existing Building Code of the City of Round Rock. Penalties, conditions and terms of said *International Existing Building Code* are hereby adopted and made a part hereof as if fully set out in this ordinance, except as amended hereafter.

(Ordinance No. G-06-12-07-10C1 of December 7, 2006)

##### 3.100.1B AMENDMENTS TO THE INTERNATIONAL EXISTING BUILDING CODE (2006 EDITION)

The *International Existing Building Code* is amended as follows:

- (a) Section 101.1. Inserted: City of Round Rock, Texas
- (b) Section 1301.2. Inserted: January 1, 2007

(Ordinance No. G-06-12-07-10C1 of December 7, 2006)

#### 3.101 INTERNATIONAL BUILDING CODE (2006 EDITION) ADOPTED

The 2006 edition of the *International Building Code* (including all appendices) as published by the International Code Council, one copy of which shall be placed on file in the office of the City Secretary of the City of Round Rock, Texas, is hereby adopted as the Building Code of the City of Round Rock. Penalties, conditions and terms of said *International Building Code* are hereby adopted and made a part hereof as if fully set out in this ordinance, except as amended hereafter.

(Ordinance No. 2536 of June 13, 1991 as amended by Ordinance No. G-94-08-25-9D of August 25, 1994 and Ordinance No. G-99-11-09-9B1 of November 9, 1999, Ordinance No. G-02-01-24-8C2 of January 24, 2002, and Ordinance No. G-06-12-07-10C1 of December 7, 2006)

#### 3.102 AMENDMENTS TO THE INTERNATIONAL BUILDING CODE, (2006 EDITION)

The *International Building Code* is amended as follows:

- (a) Section 101.1. Inserted: City of Round Rock, Texas
- (b) Section 3410.2. Inserted: January 1, 2007

(Ordinance No. 2335 of April 28, 1988 as amended by Ordinance No. G-02-01-24-8C2 of January 24, 2002, and Ordinance No. G-06-12-07-10C1 of December 7, 2006)

3.103 INTERNATIONAL RESIDENTIAL CODE FOR ONE- AND TWO-FAMILY DWELLINGS (2006 EDITION) ADOPTED

The 2006 edition of the *International Residential Code for One- and Two-Family Dwellings* (including all appendices) as published by the International Code Council, one copy of which shall be placed on file in the office of the City Secretary of the City of Round Rock, Texas, is hereby adopted as the Residential Code of the City of Round Rock. Penalties, conditions and terms of said *International Residential Code* are hereby adopted and made a part hereof as if fully set out in this ordinance, except as amended hereafter.

(Ordinance No. 2536 of June 13, 1991 as amended by Ordinance No. G-96-02-08-9B of February 8, 1996, Ordinance No. G-01-04-12-13D2 of April 12, 2001, and Ordinance No. G-06-12-07-10C1 of December 7, 2006)

3.103.1 AMENDMENTS TO THE INTERNATIONAL RESIDENTIAL CODE (2006 EDITION)

The *International Residential Code* is amended as follows:

(a) Section R101.1.      Inserted: City of Round Rock, Texas

(Ordinance No. G-06-12-07-10C1 of December 7, 2006)

3.104 DEFINITIONS

Terms not defined in this section shall be defined in Chapter 8, "Subdivisions", and/or in Chapter 11, "Zoning", of this Code of Ordinances.

(Ordinance No. 276 of June 22, 1976)

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(1) City Enforcing Official

The officer or other designated authority charged with the administration and enforcement of the Codes set forth in this section, or his duly authorized representative.

(2) Owner

Any person, agent, firm or corporation having a legal or equitable interest in the property.

(3) Permit

An official document or certificate issued by the authority having jurisdiction authorizing performance of a specified activity.

(4) Written Notice

A notification in writing delivered in person to the individual or parties intended, or delivered at, or sent by certified mail or registered mail to the last residential or business address of legal record.

(Ordinance No. 290 of October 18, 1976)

3.105 PERMIT FEES

## (1) Permits For Quadraplexes or Less

(a) New Construction

On all new residential construction of quadraplexes or less requiring a building permit, a fee for each building permit shall be paid as required at the time of filing application, in accordance with the following schedule:

(i)	For single-family residential construction	\$185.00
(ii)	For duplex residential construction	\$205.00
(iii)	For triplex residential construction	\$225.00
(iv)	For quadraplex residential construction	\$245.00



(b) Enlargements

On all enlargements of residential construction of quadraplexes or less requiring a building permit, a fee for each building permit shall be paid as required at the time of filing application, in accordance with the following schedule:

\$5.00 (flat fee) plus 5¢ per square foot of additional floor space.

(2) Permits for Multifamily Greater Than  
Quadraplex or Commercial

On all new or enlargements of multifamily greater than a quadraplex or commercial construction requiring a building permit, a fee for each building permit shall be paid as required at the time of filing application, in accordance with the following schedule:

\$60.00 (flat fee) plus 5¢ per square foot of new or additional floor space.

(3) Other Permits

Any owner, authorized agent, or contractor who desires to alter, remodel, repair, or change the occupancy of a building or structure, or to erect, or construct a sign of any description, or to install or alter fire extinguishing apparatus, elevators, engines or to install a steam boiler, furnace, heater, incinerator, or other heat producing apparatus, or other appurtenances, or otherwise provide-for a fixed improvement, the installation of which is regulated by this Code, shall pay a fee for each building permit as required at the time of filing application in accordance with the following schedule:

<u>Total Valuation</u>	<u>Fees</u>
\$100 and less	No fee, unless inspection required, in which case of \$15.00 fee for each inspection shall be charged.
\$101 to \$2,000	\$15.00
\$2,001 to \$15,000	\$15.00 for the first \$2,000 plus \$3.00 for each additional thousand or fraction thereof, to and including \$15,000.
\$15,001 to \$50,000	\$54.00 for the first \$15,000 PLUS \$2.50 for each additional thousand or fraction thereof, to and including \$50,000.
\$50,001 to \$100,000	\$141.50 for the first \$50,000 PLUS \$2.00 for each additional thousand or fraction thereof, to and including \$100,000.

\$100,000 to \$500,000 \$241.50 for the first \$100,000 PLUS \$1.25 for each additional thousand or fraction thereof, to and including \$500,000.

\$500,001 and up \$741.50 for the first \$500,000 plus 75¢ for each additional thousand or fraction thereof.

(4) Moving of Building or Structures

For the moving of any building or structure, the fee shall be \$50.00.

(5) Demolition of Building or Structures

For the demolition of any building or structure, the fee shall be \$25.00.

(6) Failure to Obtain Permit

Where work for which a permit is required by this Code is started or proceeded with prior to obtaining said permit, the fees herein specified shall be doubled, but the payment of such double fee shall not relieve any persons from fully complying with the requirements of this Code in the execution of the work nor from any other penalties prescribed herein.

(Ordinance No. 941 of February 25, 1982)

(7) Reinspection Fee

Upon notification by the permit holder or his agent the building, official shall make the inspection necessary and shall either approve that portion of the construction as completed or shall notify the permit holder or his agent of any violation of this Code. If upon reinspection a portion of the construction inspected is not approved, a fee of fifty dollars (\$50.00) shall be paid for the subsequent inspection of the construction not approved.

(Ordinance No. 2217 of February 27, 1986)

(8) Structural Inspection Fee

For steel frame buildings two (2) stories or more, all steel frame school buildings, all other buildings containing clear spans between supporting structures greater than twenty-four (24) feet on the narrow side and having a total floor area in excess of five thousand (5,000) square feet; provided that on unsupported spans of greater than twenty-four (24) feet only the trusses, beams, other roof supporting members and bolted connections which require high strength bolts are subject to inspection, requiring a building permit, a fee shall be paid at the time of filing an application, in accordance with the following schedule:

Five cents (\$0.05) per square foot of floor space.

(Ordinance No. 2266 of January 8, 1987)

- (9) If after application for a permit has been made, the permit is either withdrawn or issued, the applicant shall be entitled to a refund of seventy-five (75) percent of this permit fee.

(Ordinance No. 941 of February 25, 1982)

### 3.106 PROOF OF LIABILITY AND WORKERS' COMPENSATION INSURANCE REQUIRED PRIOR TO OBTAINING PERMIT

Any person, firm, corporation or other legal entity which is required to secure a permit from or the consent of any administrative department within the corporate structure of the City of Round Rock, Texas, prior to commencing any construction, repair, work, labor or service shall be required to furnish the appropriate department head having the authority to issue said permit, or the authority to give the necessary consent, valid certificates of insurance evidencing therein that said person, firm, corporation, or other legal entity has in full force and effect a valid policy of public liability insurance and workers' compensation insurance, to be issued by an insurance company licensed to do business in the State of Texas. The public liability insurance policy shall provide liability insurance in an amount of not less than three hundred thousand dollars (\$300,000.00) for injuries in any one accident, not less than one hundred thousand dollars (\$100,000.00) for injury to any one person and not less than fifty thousand dollars (\$50,000.00) for property damage; and the workers' compensation insurance policy shall be in an amount not less than the minimum coverage required by the statutes of the State of Texas.

(Ordinance No. 260 of May 8, 1975)

### 3.107 TRENCH SAFETY REGULATIONS

All construction projects within the incorporated limits or the extraterritorial limits of the City of Round Rock in which trench excavation will exceed a depth of five (5) feet shall include in all contracts and bid documents detailed plans and specifications for trench safety systems. Said systems shall meet Occupational Safety and Health Administration standards and a separate pay item shall be included in the plans and specifications for these systems.

(Ordinance No. 2308 of November 12, 1987)

### 3.108 CONDITIONS FOR ISSUANCE OF BUILDING PERMITS FOR RESIDENTIAL CONSTRUCTION OF FOUR (4) UNITS OR LESS

Except as specifically waived by ordinance adopted by the City Council, a building permit for residential construction of four (4) units or less on a lot shall not be issued until the following conditions have been met:

- (1) All applicable requirements of Chapter 8 - Subdivisions have been satisfied;
- (2) All applicable special permits have been issued;

(Ordinance No. 2132 of September 13, 1984 as amended by Ordinance No. G-94-02-10-8G of February 10, 1994)

- (3) (a) All water mains providing service to the subdivision section in which the lot is located have been constructed, installed and connected to the city's water system by the developer and inspected, tested and approved by the city;
- (b) All on-site wastewater mains providing service to the subdivision section in which the lot is located have been constructed and installed by the developer and inspected, tested and approved by the city;
- (c) All off-site wastewater mains providing service to the subdivision section in which the lot is located have been constructed, installed and connected to the city's wastewater system by the developer and inspected, tested and approved by the city; provided, however, if the foregoing condition is not met then the following terms will apply:
  - (i) The developer shall deposit with the city a performance bond or bank letter of credit acceptable to the city attorney equal to the cost of the off-site improvements as estimated by the city engineer;
  - (ii) The developer shall deposit with the city a letter acknowledging that certificates of occupancy will not be issued until such time as the city is able to provide wastewater service to the subdivision and including a covenant to inform purchasers of the lots that although building permits might be issued, certificates of occupancy will not be issued until wastewater service is actually available;
  - (iii) The applicant for the building permit executes and files with the city a document acknowledging that the permit is being requested prior to the lot having wastewater service and that the applicant accepts the risk that if the lot does not have wastewater service available upon completion of the structure, a certificate of occupancy will not be issued.

(Ordinance No. 2142 of December 27, 1984 as amended by Ordinance No. G-94-02-10-8G of February 10, 1994)

- (4) Where curbs and gutters are required by this code, such have been installed and inspected by the city;
- (5) Staff review has been completed; and
- (6) All necessary fees have been paid.

(Ordinance No. G-94-02-10-8G of February 10, 1994)

### 3.109 CONDITIONS FOR ISSUANCE OF BUILDING PERMITS FOR MODEL HOME CONSTRUCTION

A building permit for model home construction shall not be issued until the following conditions have been met:

- (1) All applicable requirements of Chapter 8 - Subdivisions have been satisfied;
- (2) All applicable special permits have been issued;
- (3) A water main and fire hydrant is in service within one hundred (100) feet of the model home;
- (4) The foundation elevation has been set and verified by the developer's or builder's engineer and a certificate of same delivered to the building inspector;
- (5) Staff review has been completed; and
- (6) All necessary fees have been paid.

As used herein, model home means a housing unit typical of the style(s) available for sale in a particular subdivision but used for display and sales only. No more than four (4) models shall be permitted for any subdivision having seventy-five (75) lots or less. For a subdivision having more than seventy-five (75) lots, one additional model home will be permitted for each additional twenty-five (25) lots in excess of seventy-five (75).

(Ordinance No. 2132 of September 13, 1984)

### 3.110 CONDITIONS FOR ISSUANCE OF BUILDING PERMITS FOR COMMERCIAL, INDUSTRIAL OR RESIDENTIAL CONSTRUCTION OF MORE THAN FOUR (4) UNITS

A building permit for commercial, industrial or residential construction of more than four (4) units on a lot, shall not be issued until the following conditions have been met:

- (1) All applicable requirements of Chapter 8 - Subdivisions have been satisfied;

- (2) All applicable special permits have been issued;
- (3) Staff review has been completed;
- (4) All necessary fees have been paid;

(However, construction shall not be allowed to proceed past the plumbing rough inspection until the following conditions have been met:)

(Ordinance No. 2090 of January 26, 1984)

- (5) (a) All water mains providing service to the lot or tract have been constructed, installed and connected to the city's water system by the developer and inspected, tested and approved by the city;
- (b) All on-site wastewater mains providing service to the lot or tract have been constructed and installed by the developer and inspected, tested and approved by the city;
- (c) All off-site wastewater mains providing service to lot or tract have been constructed, installed and connected to the city's wastewater system by the developer and inspected, tested and approved by the city provided, however, if the foregoing condition is not met then the following terms will apply:
  - (i) The developer shall deposit with the city a performance bond or bank letter of credit acceptable to the city attorney equal to the cost of the off-site improvements as estimated by the city engineer;
  - (ii) The developer shall deposit with the city a letter acknowledging that certificates of occupancy will not be issued until such time as the city is able to provide wastewater service to the lot or tract and including a covenant to inform purchasers of the lot or tract that although building permits might be issued, certificates of occupancy will not be issued until wastewater service is actually available; and
  - (iii) The applicant for the building permit executes and files with the city a document acknowledging that the permit is being requested prior to the lot having wastewater service and that the applicant accepts the risk that if the lot does not have wastewater service available upon completion of the structure, a certificate of occupancy will not be issued;

(Ordinance No. 2142 of December 27, 1984)

- (6) Active fire hydrants have been installed within required distances to the site.

(Ordinance No. 2090 of January 26, 1984)

3.111 CONDITIONS FOR ISSUANCE OF BUILDING PERMITS  
FOR PARKING LOTS AND ACCESS DRIVES

A building permit shall be required for the expansion of existing parking facilities and/or access drives and for the construction of new parking facilities and/or access drives for any existing commercial or industrial use or for a residential use of more than four (4) units. Such permit shall not be issued until the following conditions have been met:

- (1) The design of all proposed curb cuts has been accepted by the public works department and a street cut permit has been issued;
- (2) The drainage plan has been accepted by the public works department and all applicable requirements of Section 3.1200 of this Chapter have been met;
- (3) All landscape ordinance requirements have been met and approved by the Director of Planning and Community Development or his designee;
- (4) All necessary fees have been paid; and
- (5) The design of all parking facilities and the location of all access drives has been approved by the Director of Planning and Community Development or his designee.

(Ordinance No. 2491 of July 26, 1990)

3.112 ALL PRINCIPAL BUILDINGS SHALL DISPLAY ADDRESS  
THAT IS CLEARLY MARKED AND LEGIBLE

Each principal building shall display the number assigned to the frontage on which the front entrance is located. Numerals indicating the official numbers for each principal building or each front entrance to such building shall be posted in a manner as to be clearly marked and legible and distinguishable from the street on which the property is located, with letters painted or applied, of a contrasting color to the background, of not less than two and one-half inches (2½") in height. If a building or dwelling is situated in such a way that the numbers cannot be easily seen from the roadway in front of said structure then a sign or number post must be used in front of the structure and placed in such a way that it can be easily seen from the roadway.

(Ordinance No. G-93-10-14-8A of October 14, 1993)

### 3.113 FILING OF APPLICATIONS

For all applications filed under this Chapter, the following shall apply:

(1) Application Filed

Pursuant to Texas Local Government Code, Chapter 245, as amended, the rights to which an applicant is entitled shall accrue on the filing of an application that gives the City fair notice of the project and the nature of the permit sought. An application is considered filed on the date the applicant mails by certified mail or delivers the application to the following address:

City of Round Rock  
Engineering & Development Services Department  
Attn: Chief Building Official  
2008 Enterprise Drive  
Round Rock, TX 78664

(2) Expiration of Application

An application shall expire forty-five (45) days after the date the application is filed if:

- (a) the applicant fails to provide the documents or other information necessary to comply with the City's technical requirements relating to the form and content of the application;
- (b) the City provides the applicant no later than ten (10) business days after the date the application is filed written notice of the failure that specifies the necessary documents or other information and the date the application will expire if the documents or other information is not provided; and
- (c) the applicant fails to provide the specified documents or other information within the aforesaid forty-five (45) day period.

(Ordinance No. G-05-09-22-13C2 of September 22, 2005)



3.114 CERTIFICATES OF OCCUPANCY(1) General

- (a) It shall be unlawful for any person to use or occupy any building or structure or portion thereof until the Building Official of the City has issued either a Certificate of Occupancy or Temporary Certificate of Occupancy therefor as provided herein.
- (b) It shall be unlawful for any person to change the existing occupancy classification of a building or structure or portion thereof until the Building Official of the City has issued a Certificate of Occupancy or Temporary Certificate of Occupancy therefor as provided herein.
- (c) For buildings or structures wherein the owner or developer has applied for a building permit, no further application for a Certificate of Occupancy shall be required. For buildings or structures wherein the owner or developer has not applied for a building permit, a Certificate of Occupancy shall be applied for in the office of the Building Official on forms provided by the City.

(2) Multi-Building Projects and Phased Plans for Multi- Building Projects

- (a) Except as provided below, it shall be unlawful for any person to use or occupy any building or structure or portion thereof in a multi-building or structure project on a single platted lot until the Building Official has issued a Certificate of Occupancy or Temporary Certificate of Occupancy for every building or structure in the project. Certificates of Occupancy may be issued for separate buildings or structures in a multi-building project on a single platted lot if the owner or developer submits a plan ("Phasing Plan") as part of the site plan submitted for review and approval to the City's Development Review Committee ("DRC") as provided under Section 11.306, Round Rock Code of Ordinances that:
  - (i) requests that the multi-building project ("Phased Project") be developed and inspected in phases;
  - (ii) indicates the specific sequencing of the Phasing Plan and the number of buildings for each phase;
  - (iii) indicates the site improvements showing access, utilities and fire protection for each building and phase; and

the DRC approves the Phasing Plan.
- (b) Should a developer or owner submit such a Phasing Plan described above, the last building to be completed in the Phased Project shall not be occupied until the Building Official has issued a Certificate of Occupancy or Temporary Certificate of Occupancy for such building and the entire Phased Project, including all site improvements, is complete.

- (c) If construction on the Phased Project ceases before the last building has passed final inspection, and the building permit has expired, the project may be redefined to consist of only those buildings that have passed final inspection and it shall be unlawful to occupy any building or structure until a Certificate of Occupancy or a Temporary Certificate of Occupancy has been issued. Any subsequent construction at the same site shall not occur until appropriately permitted by the Building Official.
- (d) It shall be unlawful for individual buildings or structures of a multiple building project other than a Phased Project to be used or occupied until every building in the entire project has been issued a Certificate of Occupancy or Temporary Certificate of Occupancy.

(3) Issuance

- (a) Prior to issuance of a Certificate of Occupancy, the following criteria must be met:
  - (i) A Certificate of Zoning Compliance, where required, has been issued;
  - (ii) All fees and costs owed to the City which were generated by or from such building or structure have been paid in full;
  - (iii) All subdivision improvements required under Chapter 8, Round Rock Code of Ordinances have been accepted by the City as provided for in Section 8.705;
  - (iv) The building or structure has received and passed the final inspection conducted by the Building Official;
  - (v) The site improvements shown in the site development plans approved by the Development Review Committee of the City (the "Plans") have been completed and have passed all inspections conducted by the Construction Inspection Division of the City Engineering and Development Services Department;
  - (vi) "As-built" mylars of the Plans have been submitted, reviewed and found satisfactory by the City;
  - (vii) A letter is submitted, reviewed and found satisfactory by the City certifying that all public and private improvements constructed on the site are in substantial conformance with the Plans;
  - (viii) A final City fire inspection has been conducted and passed;
  - (ix) The landscaping requirements provided for in Chapter 11, Round Rock Code of Ordinances have been satisfied;

- (x) A one-year warranty bond in the amount of ten percent (10%) of the cost of all public site improvements to be accepted by the City has been submitted and the bond has been reviewed and found satisfactory by the City or other fiscal arrangements acceptable to the City Attorney have been made, guaranteeing the said improvements for one year after acceptance of the improvements by the City. A letter shall accompany the warranty bond certifying the construction costs of the improvements;
  - (xi) All necessary easements or release of easements have been prepared and/or reviewed, dedicated and recorded; and
  - (xii) The Building Official has determined that there are no violations of the provisions of the City's building codes or other laws that are enforced by the Building Official.
- (b) Upon meeting the requirements provided for in (a) above, the Building Official shall issue a Certificate of Occupancy that contains the following:
- (i) The building permit or application number;
  - (ii) The address of the building or structure;
  - (iii) The name and address of the owner;
  - (iv) A description of that portion of the building or structure for which the Certificate is issued;
  - (v) A statement that the described portion of the building or structure has been inspected for compliance with the requirements of this code for the (i) occupancy, (ii) division of occupancy and (iii) use for which the proposed occupancy is classified;
  - (vi) The name of the Building Official;
  - (vii) The edition of the building code(s) under which the permit was issued;
  - (viii) The use and occupancy, in accordance with the provisions of building code(s) adopted by the City;
  - (ix) The type of construction as defined by the building code(s) adopted by the City;
  - (x) The design occupant load;
  - (xi) If an automatic sprinkler system is provided, whether the sprinkler system is required;
  - (xii) Any special stipulations and conditions of the building permit; and

- (xiii) The Certificate must be dated and contain the name and signature of the City Engineer or his designee.
- (c) A Certificate of Occupancy shall be required for the following:
  - (i) To occupy a newly constructed building or structure;
  - (ii) To change the existing occupancy classification of a building, structure or portion thereof from the previous Certificate;
  - (iii) To occupy the interior of a shell that has been finished-out for a specified occupancy;
  - (iv) To occupy each separate building or structure within a multiple building or structure project or, where multiple buildings are phased together for permit purposes, for all buildings under such permit; and
  - (v) To occupy an addition to an existing building or structure.
- (d) Issuance of a Certificate of Occupancy shall not be construed as waiving any provisions of the City's ordinances or regulations or state or federal laws or regulations or as an approval of a violation of the provisions of the City's ordinances or regulations or state or federal laws or regulations.
- (e) A record of all Certificates of Occupancy shall be maintained on file in the office of the Building Official of the City and copies shall be furnished to citizens in accordance with applicable law.
- (4) Temporary Certificate of Occupancy
  - (a) A Temporary Certificate of Occupancy shall not be issued for single family and two-family occupancies.
  - (b) For all occupancies other than single family and two-family occupancies, a Temporary Certificate of Occupancy may be considered for issuance by the Building Official where all of the following conditions are met:
    - (i) Site construction is substantially complete in conformance with approved plans;
    - (ii) Any incomplete improvements are not related to the Americans With Disabilities Act (ADA) barrier free compliance requirements;
    - (iii) The Building Official determines that such building or structure or portion thereof may be occupied and used safely;

- (iv) Any site improvements not completed are minor in nature and are related to landscaping, paving, utility adjustments, or similar features;
  - (v) A placement/completion schedule is submitted and approved by the City;
  - (vi) A performance guarantee, letter of credit or other form of financial assurance, in a form acceptable to the City Attorney, which is equal to 120% of the cost of all incomplete site work, as estimated by the developer or owner and concurred with by the Building Official, is submitted with the application for a Temporary Certificate of Occupancy;
  - (vii) The City's Fire Marshall has concurred with the issuance of the Temporary Certificate of Occupancy; and
  - (viii) The water and wastewater systems serving the building or structure and the water system providing fire protection to the building or structure have been completed, tested and are fully operational.
- (c) Temporary Certificates of Occupancy shall be valid for a period of time determined by the Building Official, but not to exceed sixty (60) days. Said period shall be based upon a reasonable estimate of the time necessary to complete all remaining improvements and to satisfy all remaining requirements.
- (d) When circumstances beyond the control of the owner or developer warrant, the Building Official may grant an extension of the Temporary Certificate of Occupancy for one additional period of time not to exceed sixty (60) days. Any further extension of a Temporary Certificate of Occupancy requires the approval of the City Council.
- (e) The Building Official shall maintain a record of all Temporary Certificates of Occupancy.

(5) Revocation or Suspension

The Building Official is authorized to, suspend or revoke a Certificate of Occupancy or Temporary Certificate of Occupancy issued hereunder if such Certificate was issued in error, on the basis of incorrect information, or if it is determined that the building or structure or any portion thereof is in violation of any City ordinance or regulation or any state or federal law or regulation.

(6) Fees

- (a) Where no building permit is required but a Certificate of Occupancy is necessary, an application fee in the amount of \$75.00 shall be paid at the

time of filing an application for a Certificate of Occupancy, which fee shall include one (1) inspection.

- (b) An application fee in the amount of \$250.00 shall be paid at the time of filing an application for a Temporary Certificate of Occupancy and shall include one (1) inspection. A fee in the amount of \$100.00 shall be paid at the time of filing an application for the extension of a Temporary Certificate of Occupancy.
- (c) Reinspection fees shall be paid in accordance with Section 3.105(7) of this Code.
- (d) Where an application fee for a Certificate of Occupancy or Temporary Certificate of Occupancy, or extension thereof, has been paid but the application denied, the City shall not refund the application fee. Subsequent applications shall be accompanied by the fee stipulated in 3.114 (6) (a) or (b).

(7) Violations and Penalties

- (a) The City Council has determined that this Section regulates fire safety and public health and that an offense under this Section is punishable by a fine not to exceed \$2,000 pursuant to Section 1.601 of the City's Code of Ordinances.
- (b) Prosecution of an offense under this Section does not preclude other enforcement remedies that may be available to the City.
- (c) Each instance of a violation of this Section is a separate offense.

(8) Authority to Disconnect Utilities

- (a) The City shall have the right to disconnect or have disconnected utility services including, but not limited to, electric, gas, water and/or wastewater services to a building or structure being occupied in violation of this Section.
- (b) In the case of imminent endangerment to the health or welfare of persons, the City shall give oral notice to an owner or occupant of a building or structure that is being occupied in violation of this Section before disconnecting any utility service and shall, within twenty-four (24) hours follow with written notice of such violation.
- (c) Under all other conditions for disconnection, the City shall give three (3) days written notice before disconnection.
- (d) Any utility service disconnected in accordance with this Section, shall remain disconnected until such time as compliance with this Section is achieved and the Building Official approves such re-connection. All costs

for such re-connection, or additional amounts that may be required as a result of such disconnection shall be borne by the owner or occupant.

- (e) The City shall not be liable for any resulting damage to a building or structure or any property of the owner as a result of disconnection of any utility service under this Section.

(Ordinance No. G-06-07-27-10B1 of July 27, 2006)

**SECTION 3.200 ENERGY CONSERVATION CODE**

(Ordinance No. G-06-12-07-10C1 of December 7, 2006)

**3.201 INTERNATIONAL ENERGY CONSERVATION CODE (2006 EDITION) ADOPTED**

The 2006 edition of the *International Energy Conservation Code* as published by the International Code Council, one copy of which shall be placed on file in the office of the City Secretary of the City of Round Rock, Texas, is hereby adopted as the Energy Conservation Code of the City of Round Rock, Texas. Penalties, conditions and terms of said *International Energy Conservation Code* are hereby adopted and made a part hereof as if fully set out in this ordinance, except as amended hereafter.

(Ordinance No. G-02-01-24-8C3 of January 24, 2002 as amended by Ordinance No. G-06-12-07-10C1 of December 7, 2006)

**3.202 AMENDMENTS TO THE INTERNATIONAL ENERGY CONSERVATION CODE (2006 EDITION).**

The *International Energy Conservation Code* is amended as follows:

- (a) Section 101.1. Inserted: City of Round Rock, Texas

(Ordinance No. G-02-01-24-8C3 of January 24, 2002 as amended by Ordinance No. G-06-12-07-10C1 of December 7, 2006)

**SECTION 3.300 UNSAFE BUILDING ABATEMENT CODE****3.301 STATEMENT OF PURPOSE**

It is the purpose of this section to secure the beneficial interests and purposes thereof, which are public safety, health and general welfare, through structural strength, stability, sanitation, adequate light and ventilation, and safety to life and property from fire and other hazards incident to the construction, alteration, repair, removal, demolition, use and occupancy of buildings, structures or premises.

**3.302 DEFINITIONS**

Words not defined herein shall have the meanings stated in the International Building Code, International Mechanical Code, International Plumbing Code, International Fuel Gas Code, Standard Housing Code or International Fire Code. Words not defined in the International Codes shall have the meanings stated in the Merriam-Webster's Tenth New Collegiate Dictionary.

- (1) Applicable Governing Body - the City of Round Rock, Texas, shall be the applicable governing body.
- (2) Approved - approved by the building official or other authority having jurisdiction.



- (3) Building - any structure built for the support, shelter or enclosure of persons, animals, chattels or property of any kind which has enclosing walls for fifty (50) percent of its perimeter. The term "building" shall be construed as if followed by the words "or part thereof." For the purpose of this Code each portion of a building separated from other portions by a fire wall shall be considered as a separate building.
- (4) Building Official - the officer or other designated authority charged with the administration and enforcement of this Code, or his duly authorized representative.
- (5) Chief Appointing Authority - the person or persons designated by the laws of the local governing body as having authority to appoint persons to various boards.
- (6) Department - the building department or other agency charged with the enforcement of this Code.
- (7) Office of the Recorder - that office responsible for recording deeds and other legal documents or actions.
- (8) Owner - any person, agent, firm or corporation having a legal or equitable interest in the property.
- (9) Structure - that which is built or constructed.
- (10) Unsafe Building - any building or structure that has any of the following conditions, such that the life, health, property or safety of its occupants or the general public are endangered:
  - (a) Any means of egress or portion thereof that is not of adequate size or is not arranged to provide a safe path of travel in case of fire or panic.
  - (b) Any means of egress or portion thereof, such as but not limited to fire doors, closing devices and fire resistive ratings, that is in disrepair or in a dilapidated or nonworking condition such that the means of egress could be rendered unsafe in case of fire or panic.
  - (c) The stress in any material, member or portion thereof, due to all imposed loads including dead load, that exceeds the stresses allowed in the International Building Code for new buildings.
  - (d) The building, structure or portion thereof that has been damaged by fire, flood, earthquake, wind or other cause to the extent that the structural integrity of the building or structure is less than it was prior to the damage and is less than the minimum requirement established by the International Building Code for new buildings.

- (e) Any exterior appendage or portion of the building or structure that is not securely fastened, attached or anchored such that it is capable of resisting wind, seismic or similar loads as required by the International Building Code for new buildings.
- (f) If for any reason the building, structure or portion thereof is manifestly unsafe or unsanitary for the purpose for which it is being used.
- (g) The building, structure or portion thereof as a result of decay, deterioration or dilapidation is such that it is likely to fully or partially collapse.
- (h) The building, structure or portion thereof has been constructed or maintained in violation of a specific requirement of the International Codes or of a city, county or state law.
- (i) Any building, structure or portion thereof that is in such a condition as to constitute a public nuisance.
- (j) Any building, structure or portion thereof that is unsafe, unsanitary or not provided with adequate egress, or which constitutes a fire hazard, or is otherwise dangerous to human life, or, which in relation to existing use, constitutes a hazard to safety or health by reason of inadequate maintenance, dilapidation, obsolescence or abandonment.

(Ordinance No. 2384 of December 22, 1988 as amended by Ordinance No. G-02-06-27-8A1 of June 27, 2002)

### 3.303 SCOPE

The provisions of this Code shall apply to all unsafe buildings or structures, as herein defined, and shall apply equally to new and existing conditions.

### 3.304 ALTERATIONS, REPAIRS OR REHABILITATION WORK

- (1) Alterations, repairs or rehabilitation work may be made to any existing building without requiring the building to comply with all the requirements of the International Building Code provided that the alteration, repair or rehabilitation work conforms to the requirements of the International Building Code for new construction. The building official shall determine, subject to appeal to the Building Standards Commission, the extent, if any, to which the existing building shall be made to conform to the requirements of the International Building Code for new construction.

- (2) Alterations, repairs or rehabilitation work shall not cause an existing building to become unsafe as defined in subsection 3.302(10) above.
- (3) If the occupancy classification of an existing building is changed, the building shall be made to conform to the intent of the International Building Code for the new occupancy classification as established by the Building Official.
- (4) Repairs and alterations, not covered by the preceding paragraphs of this section, restoring a building to its condition previous to damage or deterioration, or altering it in conformity with the provisions of this Code or in such manner as will not extend or increase an existing nonconformity or hazard, may be made with the same kind of materials as those of which the building is constructed; but not more than twenty-five (25) percent of the roof covering of a building shall be replaced in any period of twelve (12) months unless the entire roof covering is made to conform with the requirements of the International Building Code for new buildings.

### 3.305 EXISTING AND HISTORIC BUILDINGS WITHIN FIRE DISTRICTS

The provisions of this Code relating to the construction alteration, repair, enlargement, restoration, relocation or moving buildings or structures shall not be mandatory for existing buildings or structures identified and classified by the state or local jurisdiction as Historic Buildings when such buildings or structures are judged by the building official to be safe and in the public interest of health, safety and welfare regarding any proposed construction, alteration, repair, enlargement, restoration, relocation or moving of buildings within fire districts. The applicant must submit complete architectural and engineering plans and specifications bearing the seal of a registered professional engineer or architect.

### 3.306 MAINTENANCE

All buildings or structures, both existing and new, and all parts thereof, shall be maintained in a safe and sanitary condition. All devices or safeguards which are required by the International Building Code in a building when erected, altered or repaired, shall be maintained in good working order. The owner, or his designated agent, shall be responsible for the maintenance of buildings and structures.

### 3.307 ADMINISTRATIVE ORGANIZATION

#### (1) Enforcement Officer

The provisions of this Code shall be enforced by the building official.

(2) Restrictions on Employees

An officer or employee connected with the department, shall not have a financial interest in the furnishing of labor, material or appliances for the construction, alteration, demolition, repair or maintenance of a building, or in the making of plans or of specifications therefor, unless he is the owner of such building. Such officer or employee shall not engage in any work which is inconsistent with his duties or with the interests of the department.

(3) Records

The building official shall keep, or cause to be kept, a record of the business of the department. The records of the department shall be open to public inspection.

3.308 POWERS AND DUTIES OF THE BUILDING OFFICIAL(1) Right of Entry

- (a) The building official or his authorized representative may enter any building, structure or premises at all reasonable times to make an inspection or enforce any of the provisions of this Code.
- (b) When entering a building, structure or premise that is occupied, the building official shall first identify himself, present proper credentials and request entry. If the building, structure or premise is unoccupied, he shall first make a reasonable effort to locate the owner or other persons having charge of the building and demand entry. If entry is refused, the building official or his authorized representative shall have recourse to every remedy provided by law to secure entry.
- (c) No person, owner or occupant of any building or premise shall fail, after proper credentials are displayed, to permit entry into any building or onto any property by the building official or his authorized agent for the purpose of inspections pursuant to this Code. Any person violating this section shall be prosecuted within the limits of the law as established by the proper governing authority.

(2) Inspections

The building official, the fire official and other authorized representatives are hereby authorized to make such inspections and take such actions as may be required to enforce the provisions of this Code.

(3) Requirements Not Covered By Code

Any requirement necessary for the strength or stability of an existing or proposed building or structure, or for the safety or health of the occupants thereof, not specifically covered by this Code, shall be determined by the building official.

(4) Liability

Any officer or employee, or member of the Building Standards Commission, charged with the enforcement of this Code, acting for the applicable governing body in the discharge of his duties, shall not thereby render himself liable personally, and he is hereby relieved from all personal liability for any damage that may accrue to persons or property as a result of any act required or permitted in the discharge of his duties. Any suit brought against any officer or employee because of such act performed by him in the enforcement of any provision of this Code shall be defended by the legal department of the applicable governing body until the final termination of the proceedings.

(5) Reports

The building official shall annually submit a report to the chief administrator of the decisions rendered by the city council during the preceding year. The report shall include a summary of the decisions of the city council during said year.

3.309 VIOLATIONS AND PENALTIES

Any person, firm, corporation or agent who shall violate a provision of this Code, or fail to comply therewith, or with any of the requirements thereof, or who shall erect, construct, alter, demolish or move any structure, or has erected, constructed, altered, repaired, moved or demolished a building or structure in violation of a detailed statement or drawing submitted and approved thereunder, shall be prosecuted within the limits provided by state or local law. Each such person shall be deemed guilty of a separate offense for any violation of any of the provisions of this Code, and upon conviction of any such violation such person shall be punished within the limits and as provided by state or local laws.

3.310 INSPECTION AND NOTICE OF NONCOMPLIANCE(1) Inspection

The building official shall inspect or cause to be inspected any building, structure or portion thereof which is or may be unsafe. After the building official has inspected or caused to be inspected a building, structure or portion thereof and has determined that such building, structure or portion thereof is unsafe, he shall initiate proceedings to cause the abatement of the unsafe condition by repair, vacation or demolition or combination thereof.

(2) Notice

The building official shall prepare and issue a notice of unsafe building directed to the owner of record of the building or structure. The notice shall contain, but not be limited to, the following information:

- (a) The street address and legal description of the building, structure or premise.
- (b) A statement indicating the building or structure has been declared unsafe by the building official, and a detailed report documenting the conditions determined to have rendered the building or structure unsafe under the provisions of this Code.
- (c) A statement advising that if the required action as determined by the building official is not commenced within thirty (30) days, the building official shall request that the Building Standards Commission call for a public hearing to determine whether or not conditions exist which render the building or structure unsafe under the provisions of the Code.
- (d) If the building or structure is to be repaired, the notice shall require that all necessary permits be secured and work commenced within sixty (60) days after receipt of said notice and continued to completion within such time as the building official determines.
- (e) If the building or structure is to be vacated, the notice shall indicate the time within which vacation is to be completed.
- (f) If the building or structure is to be demolished, the building official shall require that the premises be vacated within sixty (60) days, that all permits for demolition be secured and that the demolition be completed within such time as determined reasonable by the building official.
- (g) A statement advising that if the required action as determined by the building official is not commenced within or completed, as required, the building official shall request that the Building Standards Commission call for a public hearing to determine whether or not conditions exist which render the building or structure unsafe under the provisions of the Code.
- (h) All notices and all attachments thereto shall be served upon the owner of record and posted on the property in a conspicuous location. A copy of the notice and all attachments thereto shall also be served on any person determined from official public records to have a legal interest in the property. Failure of the building official to serve any person herein required to be served other than the owner of record shall not invalidate any proceedings hereunder nor shall it relieve any other person served from any obligation imposed on him.

- (i) All notices shall be served either personally or by certified mail, postage prepaid, return receipt requested, to each person at the address as it appears on the official public records. If addresses are not available on any person required to be served the notice, the notice addressed to such person shall be mailed to the address of the building or structure involved in the proceedings. The failure of any person to receive notice, other than the owner of record, shall not invalidate any proceedings under this section. Service by certified or registered mail as herein described shall be effective on the date the notice was received as indicated on the return receipt. Proof of service of the notice shall be by written declaration indicating the date, time and manner in which service was made and signed by the person served on by the return receipt.

(3) Standards for Compliance

The following action shall be taken by the building official when ordering the repair, vacation or demolition of an unsafe building or structure.

- (a) The building shall be ordered repaired in accordance with the International Building Code or demolished at the option of the owner.
- (b) If the building or structure poses an immediate hazard to life or to the safety of the public it shall be ordered vacated immediately.

(4) Posting of Notice to Vacate

Every notice to vacate, in addition to complying with subsection 3.310(2)(i) above, shall be posted at each exit and entrance to the building or structure and shall state:

THIS BUILDING IS UNSAFE AND ITS USE OR  
OCCUPANCY HAS BEEN PROHIBITED BY THE  
BUILDING OFFICIAL

Such notice shall remain posted until the required repairs are made or demolition is completed. It shall be unlawful for any person, firm or corporation or their agents to remove such notice without written permission of the building official, or for any person to enter the building except for the purpose of making the required repairs or of demolishing same.

3.311 RULES OF PROCEDURE FOR PUBLIC HEARING

- (1) After the receipt of a written request from the building official, the Building Standards Commission shall, by ordinance, call a public hearing to determine whether or not conditions exist which render a building or structure unsafe under the provisions of this Code such that said building or structure must be demolished in order to protect the public health, safety and welfare. Said ordinance shall state with specificity each violation which renders said building or structure unsafe.

(2) Reasonable Dispatch

The Building Standards Commission shall proceed with reasonable dispatch to conclude said public hearing, with due regard to the convenience and necessity of the parties involved. The hearing notice shall be served as required by the Texas Local Government Code at least fifteen (15) days before the hearing date.

(3) Subpoenas

The Building Standards Commission may obtain the issuance and service of subpoenas for the attendance of witnesses or the production of evidence at the hearings. The issuance and service of subpoenas shall be in accordance with established law.

(4) Procedure

- (a) Hearings shall not be required to be conducted in accordance with the technical rules relating to evidence and testimony.
- (b) The building Standards Commission may grant continuance for good cause.
- (c) In any proceedings under this Code the Chairman of the Commission shall have the power to administer oaths and affirmations and to certify official acts. In the Chairman's absence, the acting Chairman may administer oaths and compel the attendance of witnesses.
- (d) Oral evidence shall be taken only on oath or affirmation.
- (e) Hearsay evidence may be used for the purpose of supplementing or explaining any direct evidence. The further use of hearsay evidence shall be limited to that which would be admissible in civil court.
- (f) Relevant evidence shall be admitted if it is the type on which responsible persons are accustomed to rely in the conduct of serious affairs, regardless of the existence of any common law or statutory rule which might make improper the admission of such evidence over objection in civil courts.
- (g) The Commission may inspect any building, structure or premise during the course of the hearing, provided the following are complied with: 1) notice of such inspection is given to the parties prior to making the inspection, and; 2) the parties are allowed to be present during the inspection; and 3) the inspector states for the record, upon completion of the inspection, the facts observed and any conclusions drawn therefrom.



- (5) After completion of the public hearing, if the Commission finds that the building or structure is in violation of the provisions of this Code, it may order the owner, lienholder, or mortgagee of the building to, within 30 days, secure the building from unauthorized entry or to repair, remove, or demolish the building, whichever is applicable, unless the owner or lienholder establishes at the hearing that the work cannot reasonably be performed within 30 days. The City will furnish a copy of the order to any lienholders or mortgagees in the event the owner fails to timely take the ordered action.
- (6) The Commission may allow the owner, lienholder, or mortgagee more than 30 days to repair, remove, or demolish the building. If the Commission allows the owner, lienholder, or mortgagee more than 30 days to repair, remove or demolish the buildings, the Commission shall establish specific time schedules for the commencement and performance of the work and shall require the owner, lienholder, or mortgagee to secure the property in a reasonable manner from unauthorized entry while the work is being performed. The City will furnish a copy of the order to any lienholders or mortgagees in the event the owner fails to timely take the ordered action.
- (7) If any owner, lienholder, or mortgagee of record is aggrieved by the decision of the Commission, nothing in this Code shall be construed to deprive him of seeking redress in the civil or other applicable court. Said appeal must be filed within thirty (30) days from the date a copy of the final decision of the Commission is delivered as required by the Texas Local Government Code.

### 3.312 COMPLIANCE

#### (1) Failure to Respond

Any person who, after the order of the building official or the decision of the Buildings Standards Commission becomes final, fails or refuses to respond to the direction of such order, shall be prosecuted to the extent provided for by law.

#### (2) Failure to Commence Work

- (a) Whenever the required repair, vacation or demolition is not commenced within thirty (30) days after the effective date of any order, the building, structure or premise shall be posted as follows:

UNSAFE BUILDING  
DO NOT OCCUPY

It shall be punishable by law to occupy this building or remove or deface this notice (Specify the applicable local law and the penalty for violation thereof).

Building Official  
City of Round Rock, Texas

- (b) Subsequent to posting the building, structure or premise, the Building Official may cause the building to be repaired to the extent required to render it safe or if the notice required demolition, to cause the building, structure or premise to be demolished and all debris removed from the premise. The cost of repair or demolition shall constitute a lien on the property and shall be collected in a manner provided by law.
- (c) Any monies received from the sale of a building or from the demolition thereof, over and above the cost incurred, shall be paid to the owner of record or other persons lawfully entitled thereto.

(3) Extension of Time

The building official may approve one or more extensions of time as he may determine to be reasonable to complete the required repair or demolition. Such requests for extensions shall be made in writing stating the reasons therefor. If the requests for extensions of time, in total, exceed 60 days, they must also be approved by the Commission.

(4) Interference

No person shall obstruct or interfere with the implementation of any action required by the final notice of the building official or the city council. Any person found interfering or obstructing such actions shall be prosecuted to the extent provided for by law.

3.313 RECOVERY OF COST OF REPAIR OR DEMOLITION

Whenever a building or structure is repaired or demolished in accordance with the provision of this Code and cost of such repair or demolition is borne by the city, the city may assess the expenses on the property on which the building is located. The assessment of the reasonable expenses incurred shall be determined by the building official, and a lien shall be placed on the property and recorded in the Deed Records of Williamson County, Texas.

(Ordinance No. 2384 of December 22, 1988 as amended by Ordinance No. G-02-06-27-8A1 of June 27, 2002)

**SECTION 3.400      HOUSING CODE**

3.401 STANDARD HOUSING CODE ADOPTED

The Standard Housing Code, 1994 Edition with amendments, one (1) copy of which shall be on file in the office of the city secretary of the City of Round Rock, Texas, is hereby adopted by reference and all regulations, parts, notations, references and specifications therein are hereby adopted and made a part of this section except as deleted or amended hereafter.

(Ordinance No. 2536 of June 13, 1991 as amended by Ordinance No. G-94-08-25-9D of August 25, 1994)

## **SECTION 3.500 PLUMBING CODE**

### **3.501 INTERNATIONAL PLUMBING CODE (2006 EDITION) ADOPTED**

The 2006 edition of the *International Plumbing Code* (including Appendices A-G) as published by the International Code Council, one copy of which shall be placed on file in the office of the City Secretary of the City of Round Rock, Texas, is hereby adopted as the Plumbing Code of the City of Round Rock, Texas. Penalties, conditions and terms of said *International Plumbing Code* are hereby adopted and made a part hereof as if fully set out in this ordinance, except as amended hereafter.

(Ordinance No. 2536 of June 13, 1991 as amended by Ordinance No. G-94-08-25-9D of August 25, 1994, Ordinance No. G-02-01-24-8C3 of January 24, 2002, and Ordinance No. G-06-12-07-10C1 of December 7, 2006)

### **3.502 AMENDMENTS TO THE INTERNATIONAL PLUMBING CODE (2006 EDITION)**

The *International Plumbing Code* is amended as follows:

- (a) Section 101.1. Inserted: City of Round Rock, Texas
- (b) Section 106.6.2. Inserted: "All fees for permits are governed by Section 3.105 of the Code of Ordinances, (1995 Edition) City of Round Rock."
- (c) Section 106.6.3. Deleted.
- (d) Section 108.4. Amended to read: "Violations of any provision of this International Plumbing Code shall be punished by a fine of up to \$2,000.00. Each day that a violation continues after due notice has been given shall be deemed a separate offense."
- (e) Section 108.5. Inserted: "Not less than \$1.00 or more than \$2,000.00."
- (f) Section 305.6.1. Inserted: Twelve inches (12")
- (g) Section 904.1. Inserted: Twelve inches (12")

(Ordinance No. G-02-01-24-8C3 of January 24, 2002 as amended by Ordinance No. G-06-12-07-10C1 of December 7, 2006)

### **3.503 PLUMBING OFFICIAL**

#### **(1) Position of Plumbing Official Created; Qualifications; Compensation**

There are hereby created the positions of Plumbing Official and Plumbing Inspectors, who shall be employed by the City of Round Rock, Texas. The plumbing official and inspectors shall have experience in plumbing to the extent that enables them to know when plumbing is installed correctly. The plumbing official and inspectors shall not be directly connected in any way with any person, firm, or corporation directly or indirectly engaged in the business of plumbing, or plumbing suppliers. The plumbing official and plumbing inspectors shall receive as full compensation for his or their services, a salary designated by the City of Round Rock, Texas

(2) Duties of Plumbing Official

- (a) It shall be the duty of the plumbing official to enforce all provisions of this section, and such official is hereby granted the authority to enter all buildings within or without the corporate limits of the City of Round Rock, Texas, when such buildings be connected to the Municipal Water and/or Sewage System.
- (b) The plumbing official shall prepare or cause to be prepared suitable forms of applications, permits, inspection reports and other such materials.
- (c) It shall be the duty of the plumbing official to inspect and test all plumbing work for compliance with this section and the Plumbing Code adopted herein, and to enforce changing of such installations that do not meet the requirements. It shall further be his duty to see that all persons installing or altering plumbing shall be qualified by state law.

3.504 PERMIT APPLICATIONS(1) Plumbing Permits: When Required

Before beginning any work in the City of Round Rock, Texas, the person installing or altering same shall apply to the plumbing official or other designated official and obtain a permit to do such work. Only those persons legally authorized to do plumbing may be issued permits. A permit may be issued to a homeowner to install or alter plumbing in a single-family residence, providing the homeowner does all the work himself and that the building is owned and occupied by the owner as his home. All such work shall meet the plumbing code requirements and such persons shall be required to obtain the regular permit for that particular job.

(2) Application Forms

All applications for permits shall be made to the plumbing official on suitable forms provided.

(Ordinance No. 274 of June 22, 1976)

3.505 PERMIT FEES

All fees for permits are governed by 3.106 of this Chapter.

(Ordinance No. 941 of February 25, 1982)

3.506 WHEN HAZARDS TO CITY WATER SUPPLY EXIST

- (1) The City Water Department of the City of Round Rock, Texas, and the city plumbing official of the City of Round Rock, Texas, are hereby authorized to discontinue or cause to be discontinued all water service or services to any and all premises, lands, buildings, or structures where it is found that an immediate hazard exists to the purity or potability of the city water supply.
- (2) The City Water Department of the City of Round Rock, Texas, and the city plumbing official of the City of Round Rock, Texas, are hereby authorized and directed to take such steps as are necessary to determine all potential hazards to the purity or potability of the city water supply which exist. Upon determining said potential hazards, it shall be the duty of said department and said inspector to immediately cause notice to go to the owner or such other person responsible for said premises, specifying said hazards, and notifying said person that in the event that said hazard is not corrected within thirty (30) days from the date of said notice, all water services shall be discontinued thereafter until the requirements of this Code have been complied with.

(Ordinance No. 274 of June 22, 1976)

**SECTION 3.600      GAS CODE**3.601 INTERNATIONAL FUEL GAS CODE (2006 EDITION) ADOPTED

The 2006 edition of the *International Fuel Gas Code* (including Appendices A-D) as published by the International Code Council, one copy of which shall be placed on file in the office of the City Secretary of the City of Round Rock, Texas, is hereby adopted as the Fuel Gas Code of the City of Round Rock, Texas. Penalties, conditions and terms of said *International Fuel Gas Code* are hereby adopted and made a part hereof as if fully set out in this ordinance, except as amended hereafter.

(Ordinance No. 2536 of June 13, 1991 as amended by Ordinance No. G-94-08-25-9D of August 25, 1994, Ordinance No. G-02-01-24-8C3 of January 24, 2002, and Ordinance No. G-06-12-07-10C1 of December 7, 2006)

3.602 AMENDMENTS TO THE INTERNATIONAL FUEL GAS CODE (2006 EDITION)

The *International Fuel Gas Code* is amended as follows:

- (a) Section 101.1.      Inserted: City of Round Rock, Texas
- (b) Section 106.5.2.      Inserted: "All fees for permits are governed by Section 3.105 of the Code of Ordinances, (1995 Edition) City of Round Rock."
- (c) Section 106.5.3.      Deleted.
- (d) Section 108.4.      Amended to read: "Violations of any provision of this Fuel Gas Code shall be punished by a fine of up to \$2,000.00. Each day that a violation continues after due notice has been given shall be deemed a separate offense."
- (e) Section 108.5.      Inserted: "Not less than \$1.00 or more than \$2,000.00."

(Ordinance No. 585 of February 22, 1979 as amended by Ordinance No. G-02-01-24-8C3 of January 24, 2002)

## **SECTION 3.700 MECHANICAL CODE**

### **3.701 INTERNATIONAL MECHANICAL CODE (2006 EDITION) ADOPTED**

The 2006 edition of the *International Mechanical Code* (excluding only Appendix B) as published by the International Code Council, one copy of which shall be placed on file in the office of the City Secretary of the City of Round Rock, Texas, is hereby adopted as the Mechanical Code of the City of Round Rock. Penalties, conditions and terms of said *International Mechanical Code* are hereby adopted and made a part hereof as if fully set out in this ordinance, except as amended hereafter.

(Ordinance No. 2536 of June 13, 1991 as amended by Ordinance No. G-94-08-25-9D of August 25, 1994, Ordinance No. G-02-01-24-8C3 of January 24, 2002, and Ordinance No. G-06-12-07-10C1 of December 7, 2006)

### **3.702 PERMIT FEES**

All fees for permits are governed by Section 3.105 of this Chapter.

(Ordinance No. 941 of February 25, 1982 as amended by Ordinance No. G-02-01-24-8C3 of January 24, 2002)

### **3.703 AMENDMENTS TO THE INTERNATIONAL MECHANICAL CODE (2006 EDITION)**

The *International Mechanical Code* is amended as follows:

- (a) Section 101.1.      Inserted: City of Round Rock, Texas
- (b) Section 106.5.2.    Inserted: "All fees for permits are governed by Section 3.105 of the Code of Ordinances, (1995 Edition) City of Round Rock."
- (c) Section 106.5.3.    Deleted.
- (d) Section 108.4.      Amended to read: "Violations of any provision of this Mechanical Code shall be punished by a fine of up to \$2,000.00. Each day that a violation continues after due notice has been given shall be deemed a separate offense."
- (e) Section 108.5.      Inserted: "Not less than \$1.00 or more than \$2,000.00."

(Ordinance No. G-02-01-24-8C3 of January 24, 2002 as amended by Ordinance No. G-06-12-07-10C1 of December 7, 2006)

## **SECTION 3.800 SWIMMING POOL CODE ADOPTED**

The Standard Swimming Pool Code, 1994 Edition, one (1) copy of which shall be placed on file in the office of the city secretary of the City of Round Rock, Texas, is hereby adopted by reference and all regulations, parts, notations, references, and specifications therein are hereby adopted and made a part of this section except as deleted or amended hereafter.

(Ordinance No. 2536 of June 13, 1991 as amended by Ordinance No. G-94-08-25-9D of August 25, 1994)

## **SECTION 3.900        ELECTRICAL CODE**

### **3.901    GENERAL**

#### **(1)    Title**

The title of this section shall be the "Round Rock Electrical Code," and may be cited as such and it will be referred to in this section as "this Code."

#### **(2)    National Electrical Code, NFPA 70**

The National Electrical Code, NFPA 70, most current edition, and latest revisions thereto, (hereinafter referred to as "NEC"), as amended herein, is hereby adopted as part of this Code to the same effect as if it were copied verbatim herein and shall be in effect except as it may be in conflict with the provisions of this Code or the Texas Local Government Code, Section 214.214.

(Ordinance G-93-05-13-11D of May 13, 1993 as amended by Ordinance No. G-96-02-08-9A of February 8, 1996, Ordinance No. G-01-04-12-13D1 of April 12, 2001, and Ordinance No. G-02-07-11-9A1 of July 11, 2002)

#### **(3)    Scope**

This Code shall govern all installations of electrical conductors, raceway fittings, and/or equipment hereafter made, and all existing installations which are altered, or for which the Use has changed. Repair and maintenance work shall be such that if any electrical conductor, raceway fittings, and/or equipment is removed and later replaced, same shall be replaced in accordance with the provisions of this Code.

#### **(4)    Responsibility for Safe Work**

This Code shall not be construed to relieve or lessen the responsibility or liability of any person owning, operating, or installing electrical conductor devices, appliances, fixtures, apparatus, motors or equipment, for damages to persons or buildings caused by any defect therein nor shall the City be held liable for any damages by reason of enforcement or nonenforcement of this Code.

#### **(5)    Purpose**

- (a)    To safeguard persons and property from electrical hazards; and
- (b)    To establish licensing, permit and inspection procedures to assure quality electrical work. To accomplish this, the requirements set forth herein are intended to be minimum standards for electrical work.

(6) Unlawful Acts Prohibited

It shall be unlawful for any person, as owner, agent, lessee, renter or otherwise to violate, disobey, refuse to comply with, resist or oppose the execution of this Code.

It shall be unlawful for any person to occupy or maintain any building or structure in which the electrical work, wiring or appliances are in violation of this Code.

Any person who commits any acts declared to be unlawful, or fails to perform an act required by this Code, shall be subject to any and all penalties as provided herein. Any electrical installations erected or altered in violation of this Code shall be summarily condemned and removed at the expense of the person erecting or altering or allowing the same.

(7) Amendments to the National Electrical Code, 2002 Edition

- (a) Article 220, National Electrical Code, 2002 Edition, is hereby amended by deleting Section 22 and substituting the following:

220-22. Neutral Conductor

Neutral conductors shall be of the same ampacity as the largest ungrounded conductor.

- (b) Article 240-24(A), National Electrical Code, 2002 Edition, is hereby amended by adding paragraph (5) which shall read as follows:

(5) Location of Panel Boards or OVER CURRENT Devices

Panel boards or OVER CURRENT devices shall not be located in bathrooms, closets or within six (6) feet of sinks, lavatories, water softeners, water heaters, washing machines, or similar fixtures. Panel boards will have the following minimum clearances: six (6) feet, three (3) inches of headroom; three (3) feet of walk-up clearance and thirty (30) inches minimum horizontal clearance with a minimum of six (6) inches on each side of enclosure.

- (c) Article 300, National Electrical Code, 2002 Edition, is hereby amended by adding Section 24 which shall read as follows:

300-24. Special Safety Measures

- (a) Except upon written permission of the building official, no electrical conductor of any nature shall be installed nearer than three (3) inches to any metal pipe or duct which could operate at temperature in excess of one hundred twenty (120) degrees Fahrenheit.



- (b) Thermostat, low voltage control wiring and communications cables in dwellings shall be protected from mechanical damage and shall maintain two (2) inches clearance from all other wiring and pipes. Thermostat, low voltage control wiring and communications cables shall be well strapped or supported with insulated staples or supports not to exceed four (4) feet spacing.
- (d) Article 80 of the National Electrical Code, 2002 Edition pertaining to Administration and Enforcement is not adopted as a part of this Code.

(Ordinance No. G-93-05-13-11D of May 13, 1993 as amended by Ordinance No. G-96-02-08-9A of February 8, 1996, Ordinance No. G-01-04-12-13D1 of April 12, 2001, and Ordinance No. G-02-07-11-9A1 of July 11, 2002)

### 3.902 DEFINITIONS

- (1) Active Master Electrician. A licensed master electrician under the provisions of this Code who is currently in good standing status.
- (2) Commission. The Building Standards Commission of the City of Round Rock as appointed by the City Council pursuant to subsection 3.1500.
- (3) Building. A structure which stands alone or which is cut off from adjoining structures and/or occupancies by one (1) or more fire walls.
- (4) Chief Electrical Inspector. That employee of the city appointed by the city manager to carry out the duties and responsibilities of this Code.
- (5) City. The City of Round Rock, Texas.
- (6) Electrical Work. Any act in connection with the installing, altering, or repairing of electrical wires, conduits, apparatus, or other electrical installation, designed or capable of carrying electrical energy, which act ordinarily requires the use of tools.

- (7) Fire Wall. A four (4) hour fire resistant wall, having protective openings, which restricts the spread of fire and extends continuously from the foundation to or through the roof, with sufficient structural stability under fire conditions to allow collapse of construction on either side without collapse of the wall.
- (8) Good Standing. All fees, bonds, etc. of a licensee (who is not currently under suspension or revocation) have been paid.
- (9) Journeyman Electrician. A person licensed as a journeyman electrician, under the provisions of this Code, who does electrical work under the supervision, direction, and control of a licensed Master Electrician.
- (10) Licensed Electrician. A person licensed and authorized to do electrical work as defined by this Code who is currently in a “good standing” status.
- (11) Maintenance. The act of keeping in a state of safe operating condition any conductor or piece of equipment used inside or outside, attached or connected to any building electrical system by replacement of units or elements thereof, but shall not include additions to, or replacement of an existing system or branch.
- (12) Person. An individual, partnership, corporation, or other legal entity.
- (13) Rough-In Work. Initial work of installing, altering, repairing or maintaining of electrical wires, conduits, apparatus or other electrical installation, performed so that all such work is easily visible and may be easily corrected or changed.

(Ordinance No. G-96-02-08-9A of February 8, 1996 and Ordinance No. G-02-07-11-9A1 of July 11, 2002)

### 3.903 ADMINISTRATION AND ENFORCEMENT

#### (1) Chief Electrical Inspector

There is hereby created the office of Chief Electrical Inspector who shall be appointed by the city manager.

- (a) The Chief Electrical Inspector shall have at least three (3) years experience as a master electrician, hold a valid master electrician’s license, be of good moral character, and be well-versed in the approved methods of electrical construction for safety of life and property in accordance with the National Electrical Code, as amended.
- (b) The Chief Electrical Inspector is hereby designated as the person responsible for the administration and enforcement of this Code, who shall discharge the duties and have the authority hereafter provided. Said authority may be delegated to inspectors and other employees of the building inspection department as may be required to carry out said duties.

- (c) The Chief Electrical Inspector shall be responsible to the building official and the city manager, each of whom are authorized to act in lieu of and with the same authority as the Chief Electrical Inspector.

(2) Powers/Duties of Inspectors

(a) Generally

The Chief Electrical Inspector and inspectors shall have the following powers:

- (1) To enforce the provisions of this Code, issue citations and file complaints in municipal court against persons who violate any of its provisions.
- (2) To enter any house or premises during reasonable hours, (or at any time while electrical wiring, fixtures or equipment is being installed) for the purpose of examining any electrical wiring or installation of electrical wiring, fixtures or equipment therein in the performance of his official duties.
- (3) To order electrical service disconnected:
  - (i) where improper or defective wiring exists;
  - (ii) where electrical construction or equipment has been installed without a permit as required by this Code;
  - (iii) when electrical equipment may interfere with the work of the fire department; or
  - (iv) in cases of emergency when necessary for the safety of persons or property.
- (4) To order compliance with this Code where a change of occupancy occurs in a building which requires electrical change or alteration to said building.
- (5) To attach to electrical equipment or meters any official notice necessary to prevent the use of electricity.
- (6) To order persons to cease performing any work being done without a requisite permit or otherwise in violation of this Code.
- (7) To make a thorough inspection of:
  - (i) all electrical work from time to time as provided herein;

- (ii) electrical work which is in a dangerous or unsafe condition;
  - (iii) electrical work deemed to be an interference with the work of the fire department;
- (8) To notify a person responsible for violating the above subsection to place said work in compliance with this Code within a reasonable amount of time.
- (9) To require plans, specifications and a complete feeder layout of installations of electrical work.

3.904 ELECTRICAL LICENSE EXAMINATION

All applicants for an electrical license are required to pass the written examination prescribed by the Southern Building Code Conference International prior to obtaining an electrical license.

(Ordinance No. G-96-02-08-9A of February 8, 1996 as amended by Ordinance No. G-02-07-11-9A1 of July 11, 2002)

3.905 LICENSE AND EXAMINATION FEES

- (1) The examination and license fees for the various classes of electricians, for a three-year period, shall be as follows:

Classification of Electrician	Original License	Renewal	Southern Building Code Conference International (SBCCI) Exam Fee
Master Electrician	\$300.00	\$225.00	\$45.00
Journeyman Electrician	\$ 85.00	\$ 75.00	\$45.00
Journeyman Restricted	\$ 55.00	\$ 45.00	\$45.00
Inactive Master	\$ 45.00		

(Ordinance No. 2573 of June 11, 1992 as amended by Ordinance No. G-93-05-13-11D of May 13, 1993 and Ordinance No. G-96-02-08-9A of February 8, 1996 and Ordinance No. G-01-04-12-13D1 of April 12, 2001)

3.906 LICENSING

- (1) Types of Licenses

Electrical licenses shall be of the following types:

- (a) Master Electrician

Any person licensed as a master electrician in compliance with the requirements of this chapter, who employs journeyman electricians to perform electrician's work in accordance with this Code or who performs electrical work himself in accordance with this Code.

- (b) Journeyman Electrician

A person licensed as a journeyman electrician in compliance with the requirements of this section, who works for and under the general supervision and direction of a master electrician, performing electrical work contracted for by a master electrician.

- (2) Except as otherwise provided herein, it shall be unlawful for any person to do electrical work unless such person holds a master electrician or journeyman license under the provisions of this Code. Any person holding a valid master's license or journeyman's license need not procure a lesser license. When two (2) or more master electricians are working on the same job; the supervision, direction and control of the electrical work shall be the responsibility of the person to whom the permit was issued.
- (3) Unrestricted and Restricted Licenses
- (a) A person holding a valid unrestricted license shall be authorized to perform all types of electrical work.
- (b) A person holding a valid restricted license shall be authorized to perform only those categories of work on which he has taken and passed an examination.
- (c) The categories of restricted licenses are as follows:
- (i) Signs - A sign license restricted to the installation, repair, or maintenance of: (1) electrical signs; (2) transformers for the operation of neon and similar tubing on or in buildings; and (3) high tension cables between tubing and transformers for the same. Such license shall not include connection of any electrical signs, transformers or other type of load to a source of electrical power, or the changing, extending, installing or repairing of any part of a wiring system.
- (ii) Elevators - An elevator license restricted to the installation, alteration, repair or maintenance of only the control panel and control wiring of elevators and escalators.
- (iii) Repair Service - A repair service license restricted to the connecting or disconnecting of any electrical wiring regulated by this section, not including the changing, extending, installing or repairing of any part of a wiring system.
- (iv) Maintenance - A maintenance license restricted to the maintenance, repair, relocation or replacement of any electrical conductor or equipment pertaining to branch circuits, including extension of or additions to branch circuits permitted under this section, by a person who is regularly employed by one employer upon a permanent basis for the performing of such work within the confines of the building or premises of such employer.
- (v) Residential - A residential license restricted to performing electrical work on residential buildings only while under the general supervision and direction of a master electrician.

(4) Supervision

Except as otherwise provided in this Code, all electrical work shall be performed under the supervision, direction, and control of the master electrician who has secured the permit. When on-site work is performed by a journeyman electrician under the supervision of the permit holder, the ratio of workers to journeyman electricians shall not exceed three (3) workers for each journeyman present on site; provided, however, for commercial or industrial work, the ratio shall be two (2) workers for each journeyman present on site.

(5) License Not Required

The following may be performed by persons who are not licensed electricians:

- (a) Electrical work on one's own homestead, as reflected by public records, performed only by the homestead owner; provided, that a permit as provided in subsection 3.907 shall have been obtained and all other requirements of this Code have been complied with except the licensing provisions.
- (b) The replacement of lamps, fuses and connection of portable devices to suitable receptacles which have been permanently installed.
- (c) The installation, alteration or repairing of any wiring, devices, or equipment for the operation of a signal or the transmission of messages where such wiring, devices, appliances or equipment operates at a voltage not exceeding 50 volts between conductors and does not include generating or transforming equipment.
- (d) The installation, alteration or repair of electric wiring, devices, appliances and equipment installed by or for an electric public service corporation operating under a franchise from the City when for the use of such a corporation in the operation for street railways, signals or the transmission of messages.

(6) Qualifications

- (a) Master Electrician: Candidates for said licensed shall:
  - (i) be a high school graduate or the equivalent thereof;
  - (ii) show proof of two (2) years as a licensed Journeyman; and
  - (iii) show proof of completion of a six (6) hour review course on the National Electrical Code in each year that the Electrical Code is updated, before renewal of license.



- (b) Journeyman Electrician: Candidates for said license shall:
  - (i) be a high school graduate, or the equivalent thereof; and
  - (ii) have a minimum of four (4) years' experience under the direct supervision of a Master Electrician.

(Ordinance No. G-01-04-12-13D1 of April 12, 2001)

- (c) College:
  - (i) A bachelor's degree in electrical engineering from a college or university which requires at least four (4) years of study in residence as a prerequisite to such degree, shall be considered the equivalent of three (3) years of experience; and
  - (ii) The satisfactory completion of 120 semester hours of work required for such degree shall be considered the equivalent of one year experience.

(7) Application

- (a) Every application for an original or renewal license shall be made upon forms furnished by the Chief Electrical Inspector.
- (b) Every license application shall state the full name, date of birth, weight, height, eye color, hair color, sex, residence and business address of the applicant. Every application for an original license shall specify the applicant's experience; whether the applicant has heretofore been licensed as a Journeyman, Master or other classification of electrician, and if so, when and by what state, county, or city; whether said license has ever been suspended or revoked; and whether the applicant has ever been refused a license, and if so, the date of and the reason for said suspension, revocation, or refusal.
- (c) Every application shall be accompanied by the license fee prescribed in subsection 3.905.

(8) Repealed

(Repealed by Ordinance No. G-93-05-13-11D of May 13, 1993)

(9) Issuance of Electrical License

- (a) Upon receipt of proof of payment of the required fee, and passing the examination, the Chief Electrical Inspector shall issue to the applicant the class of license which said applicant is qualified to receive under the provisions of this Code. The Chief Electrical Inspector shall record the issuance of said license.
- (b) Each license shall bear a distinguishing number assigned to the licensee, the full name, sex, date of birth, weight, height, hair color, eye color, and a space upon which the licensee shall write his/her usual signature in permanent ink immediately upon receipt of the license. No license shall be valid until it is so signed by the licensee.

(Ordinance No. G-93-05-13-11D of May 13, 1993)

(10) Requirements for Continued Licensing


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Master Electrician: In addition to other requirements of this Code;

- (a) All Master Electricians shall have their license number of company name on all company trucks.

(11) Expiration; Renewal

- (a) All electrical licenses shall expire at 12:00 midnight on the last day of the month of the licensee's birthday.
- (b) Expired licenses not renewed as provided in the preceding paragraph shall be deemed cancelled, and appropriate notations reflected on the official license records of the City.
- (c) If a license is renewed thirty or more days after expiration date, the normal fee shall be doubled.

(12) Inactive License

A Master Electrician may request that his license be placed in an inactive status after payment of a \$45.00 fee. A Master Electrician holding an inactive license may not perform electrical work within the City nor obtain a permit for said work. An inactive license may be made active by paying the active license fee.

(13) Duplicates

- (a) In the event that an electrician's license is lost or destroyed, the licensee may obtain a duplicate thereof upon furnishing proof satisfactory to the Chief Electrical Inspector that said license was lost or destroyed, and upon payment of a fee of Five and No/100 Dollars (\$5.00).

(14) Notice of Change of Address, Name, Etc. To Be Given

Whenever a licensee has:

- (a) moved from the address listed in the official license records;
- (b) changed his/her name; or
- (c) changed his/her place of employment;

the said licensee shall immediately notify the Chief Electrical Inspector, in writing, of his/her present address, name and employment.

(15) Certain Acts Prohibited

It shall be a violation of this Code for any person:

- (a) To display, permit to be displayed or to have in one's possession, any instrument purporting to be a license issued pursuant to this Code, knowing such instrument to be fictitious, cancelled, suspended or altered.
- (b) To knowingly lend, transfer or permit the use of any license for the purpose of performing or obtaining a permit for electrical work, to any person not entitled thereto under the provisions of this Code.
- (c) To fail or refuse to surrender to the Chief Electrical Inspector, on demand, an electrician's license which has been suspended or cancelled as provided by law.
- (d) To apply for, or have in one's possession, more than one (1) current license of the same type provided for in this Code.
- (e) To use a false or fictitious name or address in any license application, renewal, or duplicate request, or knowingly make a false statement, conceal a material fact or otherwise commit fraud in making said application, renewal or duplicate request.
- (f) To employ as a Master or Journeyman Electrician any person not then licensed as provided in this Code.
- (g) To perform any electrical work requiring a license, without said license or while said license is suspended or cancelled.
- (h) To perform electrical work in any manner in violation of any restrictions imposed on a licensee.
- (i) To perform electrical work as a Journeyman Electrician on a job while not in the employ of the Master Electrician of record of said job.

- (j) To fail to request a final inspection upon completion of all electrical wiring and installation requiring a permit.

(16) Probation, Suspension, Revocation

- (a) The Commission may place a licensee on probation or suspend any electrician's license issued by the Commission for a period of not more than one (1) year, or revoke said license, after determining at a proper hearing, as set out in this section, that the licensee has violated any provision of this Code, state law, city ordinance or regulation relating to or governing electrical wiring, repairing or construction, including, but not limited to:
  - (i) Permitting an unlawful or fraudulent use of said license.
  - (ii) Habitually violating this Code. (Habitual shall mean three (3) or more separate violations.)
  - (iii) Failing or refusing to make corrections necessary to cure defects in electrical work performed in violation of this Code.
  - (iv) Performing any electrical work in violation of this Code or the National Electrical Code which is found to be the cause or a contributing cause of a fire, whether or not there is any actual damage or loss.
  - (v) Performing any electrical work in violation of any restrictions imposed on a licensee.
- (b) If a licensee who has been placed on probation by the Commission shall violate any of the provisions contemplated by 3.906 (15) above while serving said probationary period, then said licensee shall have his/her license automatically suspended pursuant to 3.906 (18) below.

(17) Hearing and Procedure

- (a) In determining charges pursuant to subsection (15) above, the Commission shall proceed upon a sworn complaint furnished it by a City official, or by any person aggrieved by the action (s) of an electrician in the performance of electrical work for which an electrical permit is required by this Code.
- (b) Complaints shall be in writing and verified by the person familiar with the facts therein. Three (3) copies of the same shall be filed with the city clerk who shall retain one (1) copy for the official records of the City and shall convey two (2) copies to the Commission.
- (c) The Commission, if it deems the information sufficient to support further action on its part, shall order a hearing to be set at a specified time and place. Said hearing shall be open to the public.

- (d) A copy of the order and complaint shall be served upon the accused by registered mail no less than fourteen (14) days before the scheduled date of the hearing.
- (e) The accused shall appear in person, by counsel, or both, at the time and place named in the order and make his defense to the same. The City Attorney and the accused shall be entitled to present evidence and argument at said hearing.
- (f) If the accused fails or refuses to appear at said hearing, the Commission may proceed to hear and determine the charges in his/her absence.
- (g) If the accused admits the truth of the charges, and the Commission by vote of four (4) or more of its members shall find them to be true, it may enter an order suspending the license of said electrician.
- (h) The Commission shall have the power, through its chairman or secretary, to administer oaths and to compel the attendance of witnesses before it by subpoena issued over the signature of the chairman.
- (i) When the Commission has completed said hearing and made its decision, it shall cause one (1) copy of its decision to be filed with the Chief Electrical Inspector, one (1) copy with the City Clerk and cause a certified copy thereof to be forwarded to the accused.

(Ordinance No. G-02-07-11-9A1 of July 11, 2002)

(18) Automatic Suspension

Notwithstanding subsection 3.906(15) and (16) above:

- (a) The license of any person shall be automatically suspended upon final determination by the Commission that said licensee has committed any of the following offenses:
  - (1) Taking out a permit in the name of a person authorized to do the electrical work and thereafter permitting a person not authorized by this Code to perform the electrical work.
  - (2) Tampering with, diverting from or in any way interfering with the proper action or registration of any electric meter.
  - (3) Violating any provision of this Code, State law, City ordinance or regulation relating to or governing electrical wiring, repairing or construction while on probation imposed by the Commission.

- (b) Suspension provided for in this Code shall in the first instance be for a period of six (6) months. For subsequent offenses said suspension shall be for a period of one (1) year.
- (c) The suspension of any license shall be automatically extended for a like period as the original suspension upon a final determination by the Commission that a licensee has been performing electrical work while his/her license is suspended. Said suspension extension shall be in addition to any other penalty assessed, as provided in this Code.
- (d) Automatic suspensions are appealable in accordance with subsection 3.906(17).

(Ordinance No. G-02-07-11-9A1 of July 11, 2002)

(19) Surrender and Return of License

Any license which has been suspended pursuant to this Code shall be surrendered to and retained by the Chief Electrical Inspector. At the end of the period of suspension, the surrendered license shall be returned to the licensee and be valid under the provisions in this Code, provided:

- (a) no further violations of this Code are committed by licensee during the suspension period; and
- (b) if the period of suspension extends beyond the normal expiration date of said license, the licensee has paid all license fees and/or posted all surety bonds in accordance with this Code.

3.907 PERMITS

(1) General

Except as otherwise provided in this Code, it shall be unlawful for any person to install, cause to be installed, or permit the installation of, or make any alterations, additions, changes or repairs to any electrical wiring fixtures or equipment within or on any building, structure, or premises, whether publicly or privately owned, without first obtaining a valid permit therefor.

(2) Permit Not Required

No permit shall be required for:

- (a) The installation of electrical conductors or equipment within and on the premises which are under the control and supervision of the Texas State Highway Department and where such installation will be operated, maintained or controlled or supervised by said Texas State Highway Department.
- (b) The installation of electrical conductors or equipment by or for a public utility corporation in the generation, transmission, sale or use of electrical energy as outlined in its franchise.
- (c) The installation of low voltage HVAC control wiring in residential only.
- (d) The replacement of:
  - (1) a motor by another motor of the same horsepower and rating;
  - (2) solenoid valves;
  - (3) low pressure controls;

when the electrical supply to the same is or has been properly installed by a licensed electrician.

(3) Permit Application

- (a) Application for permits shall be made in writing upon forms provided by the Chief Electrical Inspector. The application shall contain the following information:
  - (1) the date the application is submitted;
  - (2) the applicant's name;
  - (3) the exact address where electrical work is to be done;
  - (4) a description of the electrical work to be done;
  - (5) other pertinent information as required by the Chief Electrical Inspector. If a diagram or plan is required, it shall clearly show the following:
    - (i) The character and kind of wiring or installation of fixtures or equipment work to be done;

- (ii) The scale used and the manner in which the electrical installation is to be made;
  - (iii) The character of any repairs to any existing installation showing the point at which service connection is required;
  - (iv) The size of feeders and subfeeders;
  - (v) The location of service switches and centers of distribution;
  - (vi) The arrangement of circuits and the number of outlets connected thereto;
  - (vii) Load calculations;
  - (viii) A profile view of the service entrance equipment including all gutter troughs, junction boxes, switches, disconnects, fuses, panel boards, current transformer enclosures and meter sockets, detailing how this equipment is to be arranged on the wall of the building;
  - (ix) The maximum available fault current at the service entrance shall be obtained from the local utility company; and
  - (x) Fault Current bracing information;
- (b) Applications for permits shall only be issued to the following persons:
- (1) A Master Electrician licensed under this Code;
  - (2) A property owner who shall certify that the proposed electrical work shall be performed by the applicant personally, in a residence presently occupied by the applicant as his/her homestead.
- (4) Permit Issuance
- (a) Permits shall be issued to licensed Master Electricians, or their duly authorized agents.
  - (b) The City of Round Rock operates under a “One Permit” system on new construction whereby a general contractor or owner may secure a single permit covering all of the building, electrical, plumbing, heating, ventilating, and air conditioning requirements. However, where only electrical work is being performed, a Master Electrician, as defined herein, must secure a permit covering the work to be done. There shall



not be more than one permit issued or outstanding at the same time for any one installation of electrical equipment, except for renewal, additions or finish-out or when requested by the City of Round Rock Building Official.

(5) Reissued Permit

A permit may be reissued changing the electrician of record upon written application by the person to whom the original permit was issued. However, before the permit is issued, the Chief Building Inspector shall mail a written notice to the electrician of record with a copy to the owner, notifying them of the application for a reissued permit. The notice to the electrician of record shall be by certified mail, return receipt requested and shall not be reissued until the expiration of ten (10) days after the notice was mailed. The application for a reissued permit shall be accompanied by a \$25.00 permit reissuance fee responsible for all electrical work on the project site, including all work performed prior to reissuance.

(6) Duplicate

In the event that a permit is lost or destroyed, the permit holder may obtain a duplicate thereof (i) by furnishing satisfactory proof to the Chief Electrical Inspector that the permit was lost or destroyed, and (ii) upon payment of a fee of Five and No/100 Dollars (\$5.00).

(Ordinance No. G-96-02-08-9A of February 8, 1996 as amended by Ordinance No. G-01-04-12-13D1 of April 12, 2001)

### 3.908 INSPECTIONS

(1) Inspections Required

Unless and until it has been inspected and approved by the Building Inspection Division, it shall be unlawful for any person to:

- (a) make connections from a source of electrical energy to any electrical wiring, device or equipment on an installation for which a permit is required by this Code;

- (b) make connections from a source of electrical energy to any electrical wiring device or equipment which has been disconnected by order of the Chief Electrical Inspector; or
- (c) conceal in any manner from access or sight, any part of a wiring installation.

(2) Rough Inspection

- (a) When the rough wiring or installation work is completed on a commercial job, the electrician responsible therefor shall notify the Building Inspection Division that the job is ready for inspection.
- (b) Residential wiring will be called for by the building superintendent during the top-out inspection.

(3) Faulty Work

- (a) If the wiring or installation of fixtures or equipment is found to be faulty or incorrectly or defectively installed, the Chief Electrical Inspector shall notify, in writing, the permittee who installed said work of all changes necessary in order for the work to conform to this Code.
- (b) The permittee shall, within forty-eight (48) hours of written notification, commence the changes ordered and shall proceed with the work until the same is completed. Upon completion thereof and payment of the reinspection fee, he/she shall request an inspection by the Building Inspection Division. If the Chief Electrical Inspector shall again find the work incorrectly installed, he/she shall notify the permittee of the necessary changes, and the permittee shall pay an additional reinspection fee. If the permittee fails to correct the faulty work within seventy-two (72) hours, the Chief Electrical Inspector shall refuse to issue to said person any further permits until said work in question is corrected and approved.

(4) Final Inspection

Upon the completion of all electrical wiring and installations requiring a permit, the permittee shall notify the Building Inspection Division that the work is ready for final inspection.

If faulty or defective wiring or equipment is found, the permittee shall be notified of the necessary changes in accordance with subsection 3.908(3) above. If such work is found to be correctly installed, replaced or repaired, the inspector shall endorse the inspection certificate, stating that the wiring and installation work has been installed in accordance with the provisions of this Code.

(5) Inspection After Fire

An inspection shall be conducted by the Chief Electrical Inspector on any and all buildings or structures that have been damaged by fire.

(6) Inspector's Removal Request

It shall be the duty of the Chief Electrical Inspector to cause all abandoned dead wire, unused poles or electrical apparatus remaining on or near the job site to be removed at the expense of the owners thereof, by giving said owners written notice.

(7) Interference

It shall be unlawful for any unauthorized person to change or alter electrical conductors or equipment in or on any building. If electrical conductors or equipment have previously been installed in such a position as to interfere with the erection or completion of a structure, notice shall be immediately given to the person using said conductors or equipment, requiring conformance with this Code.

(8) Emergency Re-connects

No service entrance equipment will be connected by the electric utility company to its electric distribution system without an approved inspection unless it is a re-connection of service which was disconnected for emergency repair work. The electric utility company shall notify the Chief Electrical inspector on the next working day following the emergency re-connect by requesting a follow-up inspection. The inspector shall check code requirements and verify that a permit has been secured by the electrician doing the repair work.

(9) Commercial/Industrial Buildings

A new tenant who occupies previously occupied Commercial/ Industrial buildings or lease spaces must obtain electrical re-inspection and approval in order for the power company to release service to said building or lease space.

3.909 STANDARDS AND SPECIFICATIONS

(1) Materials, Equipment, Safety Standards

Conformity of electrical equipment with the applicable standards of the Underwriters' Laboratories, Inc., ANSI or NEC, shall be prima facie evidence that such equipment is reasonably safe to persons and properties.

(2) Installations Creating Hazards to Fire Protection and Prevention

No wires shall be installed, operated or maintained over any street, alley, sidewalk or building;

- (a) which may foreseeable interfere with the work of the Fire Department in the use of ladders or other apparatus; or
- (b) which shall obstruct or render hazardous the use of fire escapes.

On complaint of the City Fire Marshall, said wires shall be removed or properly rearranged.

(3) Special Electrical Circuit Requirements

The following additional requirements shall be met for all new construction:

- (a) All circuits shall have conductors sized in accordance with Article 310 of the National Electrical Code. No conductor smaller than No. 12 Copper American Wire Gauge size, shall be used in any electrical work as covered by this Code, except the following as approved by the National Electrical Code:
  - (i) Pendant and portable cords;
  - (ii) No. 14 for control circuits, operating contractors, relays, etc.;
  - (iii) Wiring within display cases;
  - (iv) Wiring for system covered by Chapter 7 of the National Electrical Code;
- (b) All panels must be large enough to accommodate the present load requirements and have at least two (2) spaces for future use.
- (c) All 125 volt, single phase 15 or 20 ampere rated devices installed in commercial and industrial installations shall be of the non residential type or shall be 20 ampere rated only.
- (d) Temporary service for construction sites are required to have GFCI protection, and must have a driven ground rod.
- (e) Type AC Cable (commonly referred to as "BX") will not be authorized as an approved wiring method.
- (f) Flexible metal conduit smaller than one-half (½) inch electrical trade size shall not be permitted.

- (g) Kerneys or split bolt connectors shall not be allowed for taps in electrical services and gutters. Only blocks and couple taps are permitted.
- (h) All building services shall have a UFER grounded and be grounded by Art. 250, 1996-NEC.
- (i) All closets and storage areas that are over 48 inches (48") deep or more shall have a light switch.

(Ordinance No. G-01-04-12-13D1 of April 12, 2001)

(4) Construction, Rodent Proof

All exterior wall openings around electrical cables and conduits shall be closed with cement mortar, concrete masonry, or other approved material to prevent the passage of rodents.

(5) Commercial Buildings

- (a) All commercial buildings shall be wired in raceways. However, this provision shall not apply to pre-existing wiring in buildings which were originally constructed and used as residential-use buildings and thereafter converted to commercial usage.
- (b) For each panel in commercial construction, a minimum of one (1) spare one-inch raceway shall be installed from the panel to an accessible location in the attic or crawlspace for recessed panels only.
- (c) All thermostat wire, door bell wire, fire alarm wire and other wire 50 volts or less must be run in conduit, with the exception of Plenum cable.

(6) Special Safety Measures

- (a) Aluminum conductors will be authorized from the service drop, or lateral, to the service disconnect only. Aluminum conductors sized 500 KcMil and larger may be permitted in panel to panel installations subject to approved methods of installations and approved connectors. Such approvals will be at the sole discretion of the Board and Chief Electrical Inspector on a case by case basis.
- (b) All feeder conductors to branch circuit panel boards and all subpanels in residential and commercial construction shall be copper conductors.

## (c) Color Coding of Conductors:

## (i) Single Phase 120/240 Volt System.

Phase:

A	Black
B	Red
Neutral	White

## (ii) Three Phase 120/240 volt center tap Delta System.

Phase:

A	Black
B	Red
C	Orange (high leg)
Neutral	White

## (iii) Three Phase 480 volt Delta System.

Phase:

A	Brown
B	Yellow
C	Purple

## (iv) Three Phase 120/208 volt WYE System.

Phase:

A	Black
B	Red
C	Blue
Neutral	White

## (v) Three Phase 277/480 volt WYE System.

Phase:

A	Brown
B	Yellow
C	Purple
Neutral	Natural Gray

(d) Except upon written permission of the Chief Electrical Inspector, no electrical conductor of any nature shall be installed nearer than three inches to any metal pipe or duct which could operate in excess of 120 degrees Fahrenheit.

(e) Door bell transformers must be mounted in an attic, heater closet, bedroom closet or other space where air can flow freely around the transformer. The transformer shall not be covered after it has been mounted.

(f) It will not be acceptable to use flexible metal conduit outside. Liquid-tight flexible conduit or liquid-tight flexible non-metallic conduit are considered acceptable.

(7) Smoke Detector Systems

Every dwelling and every dwelling unit within an apartment house, condominium or town house, and every guest or sleeping room in a child care facility, motel, hotel or dormitory, shall be provided with an approved listed smoke detector in accordance with the Texas Property Code, Section 92.251 et seq.

Detectors shall be listed and meet the installation requirements of NFPA 74 and NFPA 72E and be hard wired with battery pack in series where all alarms will be activated.

Smoke detectors shall be placed in each bedroom and in the upstairs and downstairs hallways as close to the stairwell, but as far from the kitchen as possible.

(Ordinance No. G-01-04-12-13D1 of April 12, 2001)

(8) Engineer Seal Required

In accordance with the Texas Engineering Practice Act, all drawings pertaining to non-dwelling construction projects of five thousand (5,000) square feet or more shall bear the seal of an engineer registered in the State of Texas. The Chief Electrical Inspector is hereby authorized to require at his/her discretion, said seal to be placed upon drawings for non-dwelling construction projects of lessor square footage.

(9) Use of Unapproved Appliance Prohibited It shall be unlawful for any person within the City to install electrical equipment or appliances which have not been:

- (a) endorsed by the Underwriters' Laboratories, Inc., or other nationally recognized standards association; or
- (b) approved by the Chief Electrical Inspector.

(Ordinance No. G-96-02-08-9A of February 8, 1996)

3.910 VIOLATIONS(1) Violation

In addition to other provisions of this Code, it shall be unlawful for any person to:

- (a) Break, change, destroy, tear, mutilate, cover, deface, or otherwise injure any official notice or seal posted by an electrical inspector pursuant to subsection 3.903 (3) (a) (5);
- (b) Interfere with enforcement officials or their duly authorized agents in the discharge of their duties, including but not limited to, carrying out the provisions of this Code;

- (c) Fail or refuse to make necessary changes or repairs within a reasonable amount of time pursuant to subsections 3.903(3) (b) or 3.908(3); or
  - (d) Perform electrical installations without supplying the requisite plans, specifications or layouts or without initial approval of said installation pursuant to subsections 3.903(3)(b), 3.907(3) (5) or 3.908(3).
- (2) Injunction

In addition to the penal remedies herein, the City may seek injunctive relief regarding any violation of this Code.

## **SECTION 3.1000 FLOOD DAMAGE PREVENTION REGULATIONS**

### **3.1001 STATUTORY AUTHORIZATION**

The Legislature of the State of Texas has in Section 16.315, Texas Water Code, delegated the responsibility of local government units to adopt regulations designed to minimize flood losses. Therefore, the Round Rock City Council of Round Rock, Texas, does ordain as follows:

### **3.1002 FINDINGS OF FACT**

- (1) The flood hazard areas of Round Rock are subject to periodic inundation which may result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, and extraordinary public expenditures for flood protection and relief, of which adversely affect the public health, safety and general welfare.
- (2) These flood losses are created by the cumulative effect of obstructions in flood plains which cause an increase in flood heights and velocities, and by the occupancy of flood hazard areas by uses vulnerable to floods and hazardous to other lands because they are inadequately elevated, floodproofed or otherwise protected from flood damage.

### **3.1003 STATEMENT OF PURPOSE**

It is the purpose of this section to promote the public health, safety and general welfare and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:

- (1) Protect human life and health;
- (2) Minimize expenditure of public money for costly flood control projects;



- (3) Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- (4) Minimize prolonged business interruptions;
- (5) Minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in floodplains;
- (6) Help maintain a stable tax base by providing for the sound use and development of flood-prone areas in such a manner as to minimize future flood blight areas; and
- (7) Insure that potential buyers are notified that property is in a flood area.

### 3.1004 METHODS OF REDUCING FLOOD LOSSES

In order to accomplish its purposes, this section uses the following methods:

- (1) Restrict or prohibit uses that are dangerous to health, safety or property in times of flood, or cause excessive increases in flood heights or velocities;
- (2) Require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
- (3) Control the alteration of natural floodplains, stream channels, and natural protective barriers, which are involved in the accommodation of flood waters;
- (4) Control filling, grading, dredging and other development which may increase flood damage;
- (5) Prevent or regulate the construction of floodbarriers which will unnaturally divert flood waters or which may increase flood hazards to other lands.

### 3.1005 DEFINITIONS

Unless specifically defined below, words or phrases used in this section shall be interpreted to give them the meaning they have in common usage and to give this section its most reasonable application.

- (1) Alluvial Fan Flooding means flooding occurring on the surface of an alluvial fan or similar landform which originates at the apex and is characterized by high velocity flows; active processes of erosion, sediment transport, and deposition; and unpredictable flow paths.
- (2) Apex means a point on an alluvial fan or similar landform below which the flow path of the major stream that formed the fan becomes unpredictable and alluvial fan flooding can occur.

- (3) Area of Shallow Flooding means a designated AO, AH or VO zone on a community's Flood Insurance Rate Map (FIRM) with a one percent chance or greater annual chance of flooding to an average depth of one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.
- (4) Area of Special Flood Hazard is the land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year. The area may be designated as Zone A on the Flood Hazard Boundary Map (FHBM). After detailed ratemaking has been completed in preparation for publication of the FIRM, Zone A usually is refined into Zones A, AE, AH, AO, AI-99, VO, V1-30, VE or V.

- (5) Base Flood means the flood having a one percent chance of being equaled or exceeded in any given year.
- (6) Basement means any area of the building having its floor subgrade (below ground level) on all sides.
- (7) Critical Feature means an integral and readily identifiable part of a flood protection system, without which the flood protection provided by the entire system would be compromised.
- (8) Development means any man-made change in improved and unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.
- (9) Elevated Building means a nonbasement building (i) built, in the case of a building in Zones AI-30, AE, A, A99, AO, AH, B, C, X, and D, to have the top of the elevated floor, or in the case of a building in Zones VI-30, VE, or V, to have the bottom of the lowest horizontal structure member of the elevated floor elevated above the ground level by means of pilings, columns (posts and piers), or shear walls parallel to the floor of the water and (ii) adequately anchored so as not to impair the structural integrity of the building during a flood of up to the magnitude of the base flood. In the case of Zones AI-30, AE, A, A99, AO, AH, B, C, X, and D, “elevated building” also includes a building elevated by means of fill or solid foundation perimeter walls with opening sufficient to facilitate the unimpeded movement of flood waters. In the case of Zones VI-30, VE, or V, “elevated building” also includes a building otherwise meeting the definition of “elevated building,” even though the lower area is enclosed by means of breakaway walls if the breakaway walls met the standards of Section 60.3(e) (5) of the National Flood Insurance Program regulations.
- (10) Existing Construction means for the purposes of determining rates, structures for which the “Start of construction” commenced before the effective date of the FIRM or before January 1, 1975, for FIRMs effective before that date. “Existing construction” may also be referred to as “existing structures.”
- (11) Existing Manufactured Home Park or Subdivision means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the floodplain management regulations adopted by a community.
- (12) Expansion to an Existing Manufactured Home Park or Subdivision means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

- (13) Flood or Flooding means a general and temporary condition of partial or complete inundation of normally dry land areas from:
  - (a) the overflow of inland or tidal waters;
  - (b) the unusual and rapid accumulation or runoff of surface waters from any source.
- (14) Flood Insurance Rate Map (FIRM) means an official map of a community, on which the Federal Emergency Management Agency has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.
- (15) Flood Insurance Study is the official report provided by the Federal Emergency Management Agency. The report contains flood profiles, water surface elevation of the base flood, as well as the Flood Boundary-Floodway map.
- (16) Floodplain or Flood-Prone Area means any land area susceptible to being inundated by water from any source (see definition of flooding).
- (17) Floodplain Management means the operation of an overall program of corrective and preventive measures for reducing flood damage, including but not limited to emergency preparedness plans, flood control works and floodplain management regulations.
- (18) Floodplain Management Regulations means zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as a floodplain ordinance, grading ordinance and erosion control ordinance) and other applications of police power. The term describes such state or local regulations, in any combination thereof, which provide standards for the purpose of flood damage prevention and reduction.
- (19) Flood Protection System means those physical structural works for which funds have been authorized, appropriated, and expended and which have been constructed specifically to modify flooding in order to reduce the extent of the areas within a community subject to a “special flood hazard” and the extent of the depths of associated flooding. Such a system typically includes hurricane tidal barriers, dams, reservoirs, levees or dikes. These specialized flood modifying works are those constructed in conformance with sound engineering standards.
- (20) Flood Proofing means any combination of structural and non-structural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.
- (21) Floodway (Regulatory Floodway) means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.

- (22) Functionally Dependent Use means a use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, but does not include long-term storage or related manufacturing facilities.
- (23) Highest Adjacent Grade means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.
- (24) Historic Structure means any structure that is:
  - (a) Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
  - (b) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
  - (c) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of Interior; or
  - (d) Individually listed on a local inventory or historic places in communities with historic preservation programs that have been certified either:
    - (1) By an approved state program as determined by the Secretary of the Interior; or
    - (2) Directly by the Secretary of the Interior in states without approved programs.
- (25) Levee means a man-made structure, usually an earthen embankment, designed and constructed in accordance with sound engineering practices to contain, control, or divert the flow of water so as to provide protection from temporary flooding.
- (26) Levee System means a flood protection system which consists of a levee, or levees, and associated structures, such as closure and drainage devices, which are constructed and operated in accordance with sound engineering practices.
- (27) Lowest Floor means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking or vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor; provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirement of Section 60.3 of the National Flood Insurance Program regulations.

- (28) Manufactured Home means a structure transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. The term “manufactured home” does not include a “recreational vehicle.”
- (29) Manufactured Home Park or Subdivision means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.
- (30) Mean Sea Level means, for purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929 or other datum, to which base flood elevations shown on a community’s Flood Insurance Rate Map are referenced.
- (31) New Construction means, for the purpose of determining insurance rates, structures for which the “start of construction” commenced on or after the effective date of an initial FIRM or after December 31, 1974, whichever is later, and includes any subsequent improvements to such structures. For floodplain management purposes, “new construction” means structures for which the “start of construction” commenced on or after the effective date of a floodplain management regulation adopted by a community and includes any subsequent improvements to such structures.
- (32) New Manufactured Home Park or Subdivision means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of floodplain management regulations adopted by a community.
- (33) Recreational Vehicle means a vehicle which is (i) built on a single chassis; (ii) 400 square feet or less when measured at the largest horizontal projections; (iii) designed to be self-propelled or permanently towable by a light duty truck; and (iv) designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.
- (34) Start of Construction (for other than new construction or substantial improvements under the Coastal Barrier Resources Act (Pub. L. 97-348)), includes substantial improvement and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within one hundred eighty (180) days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent

construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

- (35) Structure means a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home.
- (36) Substantial Damage means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed fifty percent (50%) of the market value of the structure before the damage occurred.
- (37) Substantial Improvement means any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds fifty percent (50%) of the market value of the structure before “start of construction” of the improvement. This includes structures which have incurred “substantial damage”, regardless of the actual repair work, performed. The term does not, however, include either (1) Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary conditions or (2) Any alteration of a “historic structure”, provided that the alteration will not preclude the structure's continued designation as a “historic structure.”
- (38) Variance is a grant of relief to a person from the requirement of this section when specific enforcement would result in unnecessary hardship. A variance, therefore, permits construction or development in a manner otherwise prohibited by this section. (For full requirements see Section 60.6 of the National Flood Insurance Program regulations.)
- (39) Violation means the failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in Section 60.3(b)(5), (c)(4), (c)(10), (d)(3), (e)(2), (e)(4), or (e)(5) is presumed to be in violation until such time as that documentation is provided.
- (40) Water Surface Elevation means the height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929 (or other datum, where specified), of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.

3.1006 GENERAL PROVISIONS(1) Lands to Which These Provisions Apply

This section shall apply to all areas of special flood hazard with the jurisdiction of the City of Round Rock, Texas.

(2) Basis for Establishing the Areas of Special Flood Hazard

The areas of special flood hazard identified by the Federal Emergency Management Agency in a scientific and engineering reports entitled, "The Flood Insurance Study for Williamson County, Texas and Incorporated Areas," dated September 27, 1991, and the "Flood Insurance Study for Travis County, Texas and Incorporated Areas" dated June 16, 1993, with accompanying Flood Insurance Rate Maps and any revisions thereto are hereby adopted by reference and declared to be a part of this section.

(Ordinance No. G-03-10-23-10C1 of October 23, 2003)

(3) Establishment of Development Permit

A Development Permit shall be required to ensure conformance with the provisions of this section.

(4) Compliance

No structure or land shall hereafter be located, altered, or have its use changed without full compliance with the terms of this section and other applicable regulations.

(5) Abrogation and Greater Restrictions

This section is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this section and another conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

(6) Interpretation

In the interpretation and application of this section, all provisions shall be; (1) considered as minimum requirements; (2) liberally construed in favor of the governing body; and (3) deemed neither to limit nor repeal any other powers granted under State statutes.

(7) Warning and Disclaimer or Liability

The degree of flood protection required by this section is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. On rare occasions greater floods can and will occur and flood heights may be increased by man-made or natural causes. This section does not imply that land



outside the areas of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. This section shall not create liability on the part of the community or any official or employee thereof for any flood damages that result from reliance on this section or any administrative decision lawfully made thereunder.

### 3.1007 ADMINISTRATION

#### (1) Designation of the Floodplain Administrator

The City Engineer for the City of Round Rock is hereby appointed the Floodplain Administrator to administer and implement the provisions of this section and other appropriate sections of 44 CFR (National Flood Insurance Program Regulations) pertaining to floodplain management.

(Ordinance No. G-03-07-24-10C1 of July 24, 2003)

#### (2) Duties and Responsibilities of the Floodplain Administrator

Duties and responsibilities of the Floodplain Administrator shall include, but not be limited to, the following:

- (a) Maintain and hold open for public inspection all records pertaining to the provisions of this section.
- (b) Review permit application to determine whether proposed building site, including the placement of manufactured homes, will be reasonably safe from flooding.
- (c) Review, approve or deny all applications from development permits required by adoption of this section.
- (d) Review permits for proposed development to assure that all necessary permits have been obtained from those Federal, state or local governmental agencies (including section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334) from which prior approval is required.
- (e) Where interpretation is needed as to the exact location of the boundaries of the areas of special flood hazards (for example, where there appears to be a conflict between a mapped boundary and actual field conditions) the Floodplain Administrator shall make the necessary interpretation.
- (f) Notify, in riverine situations, adjacent communities and the State Coordinating Agency which is the Texas Water Commission, prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency.
- (g) Assure that the flood carrying capacity within the altered or relocated portion of any watercourse is maintained.

- (h) When base flood elevation data has not been provided in accordance with Section 3.1006(2), the Floodplain Administrator shall obtain, review and reasonably utilize any base flood elevation data and floodway data available from a Federal, State or other source, in order to administer the provisions of Section 3.1008.
- (i) When a regulatory floodway has not been designated, the Floodplain Administrator must require that no new construction, substantial improvements, or other development (including fill) shall be permitted within Zones AI-30 and AE on the community's FIRM, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within the community.
- (j) Under the provisions of 44 CFR Chapter 1, Section 65.12, of the National Flood Insurance Program regulations, a community may approve certain development in Zones AI-30, AE, AH, on the community's FIRM which increases the water surface elevation of the base flood by more than one foot, provided that the community first applies for a conditional FIRM revision through FEMA.

(3) Permit Procedures

- (a) Application for a Development Permit shall be presented to the Floodplain Administrator on forms furnished by him/her and may include, but not be limited to, plans in duplicate drawn to scale showing the location, dimensions, and elevation of proposed landscape alterations, existing and proposed structures, including the placement of manufactured homes, and the location of the foregoing in relation to areas of special flood hazard. Additionally, the following information is required:
  - (i) Elevation (in relation to mean sea level), of the lowest floor (including basement) of all new and substantially improved structures;
  - (ii) Elevation in relation to mean sea level to which any nonresidential structure shall be floodproofed;
  - (iii) A certificate from a registered professional engineer or architect that the nonresidential floodproofed structure shall meet the floodproofing criteria of Section 3.1008 (2) (b);
  - (iv) Description of the extent to which any watercourse of natural drainage will be altered or relocated as a result of proposed development; and

- (v) Maintain a record of all such information in accordance with Section 3 .1007 (2) (a).
- (b) Approval or denial of a Development Permit by the Floodplain Administrator shall be based on all of the provisions of this section and the following relevant factors:
  - (i) The danger to life and property due to flooding or erosion damage;
  - (ii) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
  - (iii) The danger that materials may be swept onto other lands to the injury of others;
  - (iv) The compatibility of the proposed use with existing and anticipated development;
  - (v) The safety of access to the property in times of flood for ordinary and emergency vehicles;
  - (vi) The costs of providing governmental services during and after flood conditions including maintenance and repair of streets and bridges, and public utilities and facilities such as sewer, gas, electrical and water systems;
  - (vii) The expected heights, velocity, duration, rate of rise and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site;
  - (viii) The necessity to the facility of a waterfront location, where applicable;
  - (ix) The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;
  - (x) The relationship of the proposed use to the comprehensive plan for that area.
- (4) Variance Procedures
  - (a) The Appeal Board as established by the community shall hear and render judgment on requests for variances from the requirements of this section.
  - (b) The Appeal Board shall hear and render judgment on an appeal only when it is alleged there is an error in any requirement, decision, or determination made by the Floodplain Administrator in the enforcement or administration of this section.

- (c) Any person or persons aggrieved by the decision of the Appeal Board may appeal such decision in the courts of competent jurisdiction.
- (d) The Floodplain Administrator shall maintain a record of all actions involving an appeal and shall report variances to the Federal Emergency Management Agency upon request.
- (e) Variances may be issued for the reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places or the State Inventory of Historic Places, without regard to the procedures set forth in the remainder of this section.
- (f) Variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing the relevant factors in Section 3.1007 (3) (b) have been fully considered. As the lot size increases beyond the one-half acre, the technical justification required for issuing the variance increases.
- (g) Upon consideration of the factors noted above and the intent of this section, the Appeal Board may attach such conditions to the granting of variances as it deems necessary to further the purpose and objectives of this section (Section 3.1003).
- (h) Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.
- (i) Variances may be issued for the repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.
- (j) Prerequisites for granting variances:
  - (i) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
  - (ii) Variances shall only be issued upon: (i) showing a good and sufficient cause; (ii) a determination that failure to grant the variance would result in exceptional hardship to the applicant; and (iii) a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.

- (iii) Any application to whom a variance is granted shall be given written notice that the structure will be permitted to be built with the lowest floor elevation below the base flood elevation, and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.
- (k) Variances may be issued by a community for new construction and substantial improvements and for other development necessary for the conduct of a functionally dependent use provided that: (i) the criteria outlined in Section 3.1007 (4) (a) (i) are met; and (ii) the structure or other development is protected by methods that minimize flood damages during the base flood and create no additional threats to public safety.

### 3.1008 PROVISIONS FOR FLOOD HAZARD REDUCTION

#### (1) General Standards

In all areas of special flood hazards the following provisions are required for all new construction and substantial improvements.

- (a) All new construction or substantial improvements shall be designed (or modified) and adequately anchored to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy;
- (b) All new construction or substantial improvements shall be constructed by methods and practices that minimize flood damage;
- (c) All new construction or substantial improvements shall be constructed with materials resistant to flood damage;
- (d) All new construction or substantial improvements shall be constructed with electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.
- (e) All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;
- (f) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the system and discharge from the systems into flood waters; and,
- (g) On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

(2) Specific Standards

In all areas of special flood hazards where base flood elevation data has been provided as set forth in (i) Section 3.1006(2), (ii) Section 3.1007(2) (h), or (iii) Section 3.1008(3) (e), the following provisions are required:

- (a) Residential Construction - new construction and substantial improvement of any residential structure shall have the lowest floor (including basement), elevated to or above the base flood elevation. A registered professional engineer, architect, or land surveyor shall submit a certification to the Floodplain Administrator that the standard of this subsection as proposed in Section 3.1007 (3) (a) (i), is satisfied.
- (b) Nonresidential Construction - new construction and substantial improvements of any commercial, industrial or other nonresidential structure shall either have the lowest floor (including - basement) elevated to or above the base flood level or together with attendant utility and sanitary facilities, be designed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. A registered professional engineer or architect shall develop and/or review structural design, specifications, and plans for the construction, and shall certify that the design and methods of construction are in accordance with accepted standards of practice as outlined in this subsection. A record of such certification which includes the specific elevation (in relation to mean sea level) to which such structures are floodproofed shall be maintained by the Floodplain Administrator.
- (c) Enclosures - new construction and substantial improvements, with fully enclosed areas below the lowest floor that are usable solely for parking of vehicles, building access or storage in an area other than a basement and which are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or meet or exceed the following minimum criteria:
  - (i) A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided.
  - (ii) The bottom of all openings shall be no higher than one foot above grade.
  - (iii) Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

(d) Manufactured Homes -

- (i) Require that all manufactured homes to be placed within Zone A on a community's FHBM or FIRM shall be installed using methods and practices which minimize flood damage. For the purposes of this requirement, manufactured homes must be elevated and anchored to resist flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable State and local anchoring requirements for resisting wind forces.
- (ii) Require that manufactured homes that are placed or substantially improved within Zones AI-30, AH, and AE on the community's FIRM on sites: (i) outside of a manufactured home park or subdivision; (ii) in a new manufactured home park or subdivision; (iii) in an expansion to an existing manufactured home park or subdivision; or (iv) in an existing manufactured home park or subdivision on which a manufactured home has incurred "substantial damage" as a result of a flood, be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated to or above the base flood elevation and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.
- (iii) Require that manufactured homes be placed or substantially improved on sites in an existing manufactured home park or subdivision with Zones AI-30, AH and A on the community's FIRM that are not subject to the provisions of paragraph (4) of this section be elevated so that either:
  - (a) the lowest floor of the manufactured home is at or above the base flood elevation, or
  - (b) the manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than 36 inches in height above grade and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.
- (e) **Recreational Vehicles** Require that recreational vehicles placed on sites within zones AI-30, AH, and A on the community's FIRM either: (i) be on the site for fewer than 180 consecutive days; (ii) be fully licensed and ready for highway use; or (iii) meet the permit requirements of Article 4, Section C(1), and the elevation and anchoring requirements for "manufactured homes" in paragraph (4) of this section. A recreational vehicle is ready for highway use if it is on its wheels or jacking system,

is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions.

(3) Standards for Subdivision Proposals

- (a) All subdivision proposals including the placement of manufactured home parks and subdivisions shall be consistent with Sections 3.1001, 3.1002 and 3.1003.
- (b) All proposals for the development of subdivisions including the placement of manufactured home parks and subdivisions shall meet Development Permit requirements of Section 3.1006(3), Section 3.1007(3) and Section 3.1008 of this section.
- (c) Base flood elevation data shall be generated for subdivision proposals and other proposed development including the placement of manufactured home parks and subdivisions which is greater than 50 lots or 5 acres, whichever is lesser, if not otherwise provided pursuant to Section 3.1006(2) or Section 3.1007(2) (h) of this section.
- (d) All subdivision proposals including the placement of manufactured home parks and subdivisions shall have adequate drainage provided to reduce exposure to flood hazards.
- (e) All subdivision proposals including the placement of manufactured home parks and subdivisions shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize or eliminate flood damage.

(4) Standards for Areas of Shallow Flooding (AO/AH Zones)

Located within the areas of special flood hazard established in Section 3.1006(b), are areas designated as shallow flooding. These areas have special flood hazards associated with base flood depths of 1 to 3 feet where a clearly defined channel does not exist and where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow; therefore, the following provisions apply:

- (a) All new construction and substantial improvements of residential structures have the lowest floor (including basement) elevated above the highest adjacent grade at least as high as the depth number specified in feet on the community's FIRM (at least two feet if no depth number is specified).
- (b) All new construction and substantial improvements of non-residential structures:



- (i) have the lowest floor (including basement) elevated above the highest adjacent grade at least as high as the depth number specified in feet on the community's FIRM (at least two feet if no depth number is specified); or
- (ii) together with attendant utility and sanitary facilities be designed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads of effects of buoyancy.
- (c) A registered professional engineer or architect shall submit a certification to the Floodplain Administrator that the standards of this Section, as proposed in Section 3.1007 (3) (a) (i), are satisfied.
- (d) Require within Zones AH or AO adequate drainage paths around structures on slopes, to guide flood waters around and away from proposed structures.

(5) Floodways

Floodways located within areas of special flood hazard established in Section 3.1006(2), are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of flood waters which carry debris, potential projectiles and erosion potential, the following provisions shall apply:

- (a) Encroachments are prohibited, including fill, new construction, substantial improvements and other development within the adopted regulatory floodway unless it has been demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the proposed encroachment would not result in any increase in flood levels within the community during the occurrence of the base flood discharge.
- (b) If Section 3.1008 (5) (a) above is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of Section 3.1008.
- (c) Under the provisions of 44 CFR Chapter 1, Section 65.12, of the National Flood Insurance Regulations, a community may permit encroachments within the adopted regulatory floodway that would result in an increase in base flood elevations, provided that the community first applies for a conditional FIRM and floodway revision through FEMA.

**SECTION 3.1100 TREE PROTECTION AND PRESERVATION****3.1101 TITLE**

The regulations in this Section 3.1100 shall officially be known, cited, and referred to as the Tree Protection and Preservation Ordinance.

**3.1102 PURPOSE AND INTENT**

- (1) The intent of this Section 3.1100 is to protect, maintain, and manage the City's existing forest resources by providing regulations relating to the cutting, removal or destruction of Protected Trees; to encourage protection and preservation of the natural environment and beauty of the City; to encourage a resourceful and prudent approach to urban development of wooded areas to minimize tree loss and provide for replacement of trees removed and destroyed resulting from development; to provide an objective method to evaluate a development's impact on trees and wooded areas and identify whether and how the impact may be reduced; to provide incentives for creative subdivision and site design which preserves trees while allowing development in wooded areas; and to provide for the enforcement and administration of tree protection thereby promoting and protecting the public health, safety and welfare and enhancing the quality of life.
- (2) Trees have a positive economic effect on the City by enhancing property values and making the City a more attractive place in which to live, visit and do business.

**3.1103 DEFINITIONS**

For the purposes of this Section 3.1100, the following words, terms and phrases, shall have the meaning ascribed to them except where the context clearly indicates a different meaning:

- (1) Approval shall mean written authorization from the approving authority that authorizes a person to proceed with some action that affects a tree.
- (2) Approved Tree Planting and Replacement List shall mean the Forestry Manager's approved list of trees that are proven to thrive in this region with fewer problems and requiring less care to remain healthy.
- (3) Caliper shall mean the American Association of Nurserymen standard for trunk measurement (diameter) for nursery stock. Caliper of the trunk shall be measured six (6) inches above the root ball for four-inch caliper size and smaller, and twelve (12) inches above the root ball for larger sizes.
- (4) Canopy shall mean the horizontal extension of a tree's branches in all directions from its trunk.

- (5) Champion Tree shall mean the largest tree of a species that is registered by the Forestry Manager in the Champion Tree Registry, is designated as a Monarch Tree by the City Council and shall serve as the benchmark for the designation of other Monarch Trees of that same species.
- (6) Champion Tree Registry shall mean a registry containing a list of the Champion Tree of a species within the City limits that serves as a Benchmark Tree as identified by the Forestry Manager and adopted by the City Council.
- (7) Clearing shall mean the act of cutting down, removing all or a substantial part of, or damaging a tree or other vegetation that will cause the tree to decline and/or die, which includes, but is not limited to, chemical, physical, compaction, or grading damage.
- (8) Critical Root Zone shall mean a circular region measured outward from the tree trunk representing the essential area of the roots that must be maintained or protected for the tree's survival. Critical Root Zone is one foot of radial distance for every inch of tree DBH.
- (9) Crown shall mean all portions of a tree, excluding the trunk and roots.
- (10) Developed Lot shall mean a lot that has a fully constructed building whether occupied or not.
- (11) Development Review Committee (DRC) shall mean the committee designated to review site plans, as further described in Chapter 11 of this Code.
- (12) Diameter-At-Breast-Height (DBH) shall mean the tree trunk diameter measured in inches at a height of 4.5 feet (54 inches) above natural grade or the DBH measurement according to the latest edition of the *Guide for Plant Appraisal* as published by the Council of Tree and Landscape Appraisers, when the tree trunk branches out at a point lower than 4.5 feet.
- (13) Dripline shall mean the periphery of the area underneath a tree which would be encompassed by perpendicular lines dropped from the farthest edges of the crown of the tree.
- (14) Forestry Manager shall mean the person who oversees the urban forestry program; all aspects of public tree planting and public tree care; the Tree Protection and Preservation Ordinance; and relevant portions of Chapter 11, Section 11.501, Landscaping.
- (15) Landscape Architect shall mean a person who is licensed and registered to engage in the practice of landscape architecture in the State of Texas.
- (16) Monarch Tree shall mean a tree of a specific size or species that is specifically designated as a Monarch Tree by the Forestry Manager; a Champion Tree; or a tree of historic or unique significance that is specifically designated as a Monarch Tree by the City Council.

- (17) Owner shall mean the person or entity who submits an application pursuant to this Section 3.1100 that requests the removal of a Protected Tree. An owner includes the owner of the property where a Protected Tree is located.
- (18) Partial Tree Survey shall mean a drawing of the proposed preliminary plat or site plan showing the size, location, species and Critical Root Zone of all Monarch Trees and trees having a DBH of twenty (20) inches or more; and the size, location and species for all Protected Trees within easements, rights-of-way, and a 20-foot strip abutting rights-of-way. For a site plan, the drawing shall also show all Protected Trees within the limits of construction.
- (19) Person shall mean an individual, a corporation, a partnership, a joint venture, an association or other legal entity.
- (20) Protected Tree shall mean a tree, including a Monarch Tree, that due to its size, species or unique characteristics is protected from arbitrary removal, as provided in Sec. 3.1105 below.
- (21) Protected Tree Removal Permit shall mean written authorization granted by the Forestry Manager, under the provisions of Section 3.1108, for the removal or transplanting of a Protected Tree.
- (22) Stop Work Order shall mean an order issued by the Forestry Manager to the owner to cease and desist with work being performed on a site.
- (23) Subdivision Improvement Construction Plans shall mean engineering plans required by the City for the construction and installation of public improvements necessary to provide required services for proper development including, but not limited to, plans for grading, drainage facilities, water and sewer, open space, parks or other recreational space, streets and illumination of streets.
- (24) Temporary Tree Protection Devices shall mean physical barriers, at least four (4) feet in height, installed prior to construction for the purpose of preventing damage to trees. Such devices include chain link fence, vinyl construction fencing or other similar temporary barrier, that is non-intrusive to the tree canopy and Critical Root Zone.
- (25) Tree shall mean any self-supporting, woody perennial plant usually having a single trunk with a diameter of no less than two inches at maturity, measured at one foot above grade, and which normally grows to an overall height of no less than twelve (12) feet in central Texas.
- (26) Tree Inventory shall mean a drawing showing the tag number, species, size, and approximate location of all existing Protected Trees.
- (27) Tree Protection Plan shall mean a plan submitted by the owner in a form or manner specified by the Forestry Manager, DRC or Planning and Zoning Commission, which ever is applicable providing the method of protecting trees during construction that may or may not include protection details, standards, notes, and construction plans in accordance with generally accepted methods such as those provided in the Tree Technical Manual.

- (28) Tree Removal shall mean uprooting, severing the main trunk of the tree, or any act which causes or may reasonably be expected to cause the tree to die, including, without limitation, damage inflicted on the root system by machinery, storage of materials or soil compaction; substantially changing the natural grade above the root system or around the trunk; excessive pruning; or paving with concrete, asphalt, or other impervious materials in a manner which may reasonably be expected to kill the tree.
- (29) Tree Replacement Plan shall mean a plan submitted by the owner in a form and manner specified by the Forestry Manager, DRC or Planning and Zoning Commission, whichever is applicable providing the method of replacement for the proposed Protected Trees to be removed that may or may not include a plan that identifies the location, size, and species of all new trees proposed as replacement for the Protected Trees being removed and fees in lieu of replacement trees.
- (30) Tree Survey shall mean a drawing of the proposed preliminary plat or site plan showing the size, location, species, Critical Root Zone of all existing Protected Trees, any Protected Tree to be removed or transplanted, a table summarizing all Protected Trees and the total number of caliper inches of Protected Trees, in accordance with generally accepted methods such as those provided in the Tree Technical Manual.
- (31) Tree Technical Manual: Standards and Specifications (Tree Technical Manual) shall mean the standards and specifications based on generally accepted practices developed by the Forestry Manager for sound arboricultural practices, techniques and procedures which shall serve as guidelines for trees regulated by this Section 3.1100, including but not limited to tree selection, planting, pruning, alteration, treatment, protection, and removal, as approved by City Council, maintained by the City Secretary and available through the Forestry Manager.
- (32) Tree Topping shall mean the severe cutting back of limbs to stubs larger than three inches in diameter within the tree's crown to such a degree that removal of the top canopy disfigures and invites disease to the tree.
- (33) Zoning Board of Adjustment shall mean a board appointed by the City Council, as further described in Chapter 11 of this Code.

### 3.1104 PROHIBITED ACTIVITIES

- (1) It is unlawful for any person to remove any Protected Tree without first securing a tree removal permit as specified in Section 3.1108.
- (2) It is unlawful for any person to damage a Protected Tree, such as through tree topping, over-pruning or chemical poisoning.
- (3) It is unlawful for a person to continue work or removal of trees when the Forestry Manager has issued a stop work order.

3.1105 SIZES AND TYPES OF PROTECTED TREES(1) Size

Except as provided below, a tree having a DBH of eight (8) inches or more is a Protected Tree.

- (a) On all developed lots in zoning districts SF-1, SF-2, MH and TF and on developed lots smaller than 15,000 square feet in all other zoning districts only Monarch Trees are Protected Trees.
- (b) On all undeveloped lots in zoning districts SF-1, SF-2, MH and TF and on undeveloped lots smaller than 15,000 square feet in all other zoning districts, trees having a DBH of twenty (20) inches or more are Protected Trees.

(2) Type

Trees of all species that meet the size requirement in paragraph (1) above are protected except for Chinaberry, Hackberry, Ashe Juniper (Cedar), Chinese Tallow and Horse Apple (Bois D'arc).

(3) Monarch Tree

Except as provided in Section 3.1113, any tree designated as a Monarch Tree by the Forestry Manager or the City Council is a Protected Tree that cannot be removed, unless its designation is removed and the designation of a Monarch Tree shall not be removed without City Council action, as provided for in Section 3.1106.

3.1106 DESIGNATION OF MONARCH TREES AND REMOVAL OF DESIGNATION(1) Designation by the Forestry Manager(a) Champion Tree Registry

The Forestry Manager shall identify the largest tree within a tree species within the City limits and list the trees in the City's Champion Tree Registry as Champion Trees. Eighty (80) percent of the identified Champion Tree's DBH shall be used by the Forestry Manager to set a benchmark for the designation of Monarch Trees within the City limits based on the assessed health and structure of the tree. The Champion Tree Registry shall be adopted by City Council and reviewed from time to time and adjusted as necessary.

(b) Designation

A tree may be designated a Monarch Tree by the Forestry Manager upon a finding that the tree is of the same species and of the same size or greater than the benchmark provided for the tree listed in the City's Champion Tree Registry.

(c) Notification

The Forestry Manager shall notify the property owner in writing of the designation.

(d) Removal of Designation

A written request by the property owner for removal of a Monarch Tree designation by the Forestry Manager may be submitted for City Council consideration. After City Council approval of a Monarch Tree designation removal, the City Secretary shall notify the property owner in writing of the designation removal.

(2) Designation by the City Council(a) Nomination

The City Council may consider designating a tree as a Monarch Tree upon the nomination by any person and with the written consent of the property owner.

(b) Designation

A tree may be designated a Monarch Tree by City Council upon a finding that it is unique and of importance to the community due to any of the following:

- (i) it is an outstanding specimen of a desirable species;
- (ii) it is one of the largest or oldest trees in the City; or
- (iii) it possesses a distinctive form, size, age, location, and/or historical significance.

(c) Notification

After City Council approval of a Monarch Tree designation, the City Secretary shall notify the property owner in writing of the designation.

(d) Removal of Designation

A written request by the property owner for removal of a Monarch Tree designation may be submitted for City Council consideration. After City Council approval of a Monarch Tree designation removal, the City Secretary shall notify the property owner in writing of the designation removal.

3.1107 APPLICABILITY

- (1) A Protected Tree may be Removed Without Replacement provided approval is granted under Section 3.1108 if:

- (a) the Protected Tree is damaged by natural causes or is diseased beyond the point of recovery;
- (b) the Protected Tree should be removed as a safety measure because it is in danger of falling;
- (c) the Protected Tree threatens to damage property; or
- (d) the Protected Tree is dead.

- (2) Transplanting of Trees Without Replacement

Transplanting a Protected Tree to a suitable location on the same property or off-site, as approved under Section 3.1108, shall not require replacement provided that the owner complies with the generally accepted transplanting methods described in the Tree Technical Manual and the Protected Tree survives for a period of at least two (2) years.

- (3) A Protected Tree may be Removed With Replacement if:

- (a) A showing is made that the Protected Tree is so located as to prevent reasonable access to the property; or
- (b) a showing is made that the location of the Protected Tree precludes all reasonable and lawful use of the property on which it is located.

- (4) Exception

Except as provided in paragraph (1) and (2) above, all Protected Trees that are approved for removal will be replaced.

3.1108 TREE REMOVAL PERMITTING PROCESS

- (1) Protected Tree Removal Permit Process

- (a) Protected Tree Removal Permit

This process is reserved for those situations provided for in Section 3.1107 and where the subdivision or site plan process does not apply. Applications for Protected Tree Removal Permits are reviewed by the Forestry Manager or his or her designee.



(b) Tree Removal Permit Application

The application for a Protected Tree Removal Permit shall be made by the owner of the property on which the Protected Tree is located, and shall be accompanied by documentation showing:

- (i) the approximate location of the tree;
- (ii) the DBH of the tree;
- (iii) the approximate dripline of the tree;
- (iv) the species and/or common name of the tree;
- (v) the approximate size of the lot, tract or parcel on which the tree is located;
- (vi) reason for the proposed removal;
- (vii) such other information as required by Chapter 11 of this Code or as otherwise may be reasonably required by the Forestry Manager; and
- (viii) a Tree Replacement Plan, as provided for in Section 3.1109.

(c) Application Review

Upon receipt of the application, the Forestry Manager shall inspect the subject tree and approve or deny the application in accordance with the provisions of this Section 3.1100.

(d) Processing of Application

An application for a Protected Tree Removal Permit shall be processed within fifteen (15) working days from the date the application is received.

(e) Tree Protection Removal and Replacement

- (i) Replacement trees in accordance with Section 3.1109 shall be required if any Protected Tree is removed. The tree removal permit may or may not be granted in conjunction with a development permit application.
- (ii) A Tree Replacement Plan shall accompany any Tree Removal Permit application. The Tree Replacement Plan will be reviewed in conjunction with the Protected Tree Removal Permit application and will be approved or denied by the Forestry Manager.

(2) Protected Tree Removal Through the Subdivision Process

Tree removal requests, Tree Surveys and Tree Replacement Plans for all projects requiring plat approval shall be submitted in conjunction with the subdivision approval process.

## (a) Tree Survey and Tree Replacement Plan:

- (i) Tree Surveys and Tree Replacement Plans will be reviewed by the Forestry Manager as part of the plat approval and subdivision construction improvement acceptance process.
- (ii) A Tree Survey will not be required if a land surveyor certifies that there are no Protected Trees on the proposed site.
- (iii) A Partial Tree Survey may be permitted if the Forestry Manager determines that the replacement and protection requirements of this Section 3.1100 have been met.
- (iv) A Tree Inventory in lieu of a Tree Survey may be accepted by the Forestry Manager to document trees outside of the limits of construction shown on the subdivision improvement construction plans.
- (v) A request to use a Tree Inventory or a Partial Tree Survey shall be made in writing to the Forestry Manager in conjunction with the concept plan submittal. The Forestry Manager shall provide written notification approving or disapproving the request within the concept plan review cycle.

## (b) Tree Protection, Removal and Replacement:

The subdivider shall configure a subdivision in such a manner that Protected Trees will not be damaged during the construction of required subdivision improvements. With respect to said improvements, the following will apply:

- (i) When required for subdivision improvements construction, up to thirty percent (30%) of the total diameter inches of Protected Trees, excluding Monarch Trees, located within the boundaries of the plat may be removed without replacement. The calculations for the thirty percent (30%) removal shall be calculated by the smallest Protected Trees being removed first. Replacement trees in accordance with Section 3.1109 shall be required if any of the remaining seventy (70) percent of the total diameter inches are removed.

- (ii) The Tree Replacement Plan will be reviewed in conjunction with the preliminary plat review process and will be approved or denied by the Planning and Zoning Commission.
- (iii) The Critical Root Zone of any Protected Tree not being removed shall be preserved in accordance with Section 3.1110 and shall be shown on the Tree Protection Plans as generally described in the Tree Technical Manual.
- (iv) During subdivision improvements construction, tree protection criteria as listed in Section 3.1110 shall apply to all Protected Trees being preserved and shall be shown on the Tree Protection Plans, Tree Replacement Plans, and the Subdivision Construction Plans as generally described in the Tree Technical Manual.
- (v) Tree Protection Plans and Tree Replacement Plans shall be submitted in conjunction with any subdivision improvement construction plans.

(3) Protected Tree Removal Through the Site Plan Process

Tree removal requests, Tree Surveys, Tree Protection Plans and Tree Replacement Plans for all projects requiring site plan approval, shall be submitted to the DRC, as part of the site plan application approval process.

(a) Tree Survey and Tree Replacement Plan:

- (i) A Tree Survey, Tree Protection Plan, and Tree Replacement Plan shall accompany all site plans submitted in accordance with Chapter 11 of this Code and will be reviewed by the Forestry Manager as part of the DRC process.
- (ii) A Tree Survey will not be required if a land surveyor certifies that there are no Protected Trees on the proposed site.
- (iii) A Partial Tree Survey may be permitted if the Forestry Manager determines that the replacement and protection requirements of this Section 3.1100 have been met.
- (iv) A Tree Inventory in lieu of a Tree Survey may be accepted by the Forestry Manager to document trees outside the limits of construction.
- (v) A request to use a Tree Inventory or a Partial Tree Survey shall be made in writing to the Forestry Manager in conjunction with the preliminary site plan submittal. The Forestry Manager shall provide written notification approving or disapproving the request within the preliminary site plan review cycle.

## (b) Tree Protection, Removal and Replacement:

The applicant shall configure a site in such a manner that Protected Trees will not be removed or damaged due to the building layout and construction within the site. With respect to said building layout and construction, the following will apply:

- (i) When required for the construction of the primary building and site improvements for the development, up to thirty percent (30%) of the total diameter inches of Protected Trees, excluding Monarch Trees, located within the boundaries of the lot may be removed without replacement. The calculations for the thirty percent (30%) removal shall be calculated by the smallest Protected Trees being removed first. Replacement trees in accordance with Section 3.1109 shall be required if any of the remaining seventy (70) percent of the total diameter inches are removed.
- (ii) A Tree Replacement Plan and Tree Protection Plan shall accompany the site development permit application to the DRC. The Tree Replacement Plan and Tree Protection Plan will be reviewed in conjunction with the site development permit application and will be approved or denied by the DRC.
- (iii) When replacement trees are required, replacement shall be in accordance with either Section 3.1109, which may be credited toward the requirements in Section 11.501 of this Code.
- (iv) The Critical Root Zone of any Protected Tree not being removed shall be preserved in accordance with Section 3.1110 and shall be shown on the Tree Protection Plans as generally described in the Tree Technical Manual.
- (v) During site construction, tree protection measures as listed in Section 3.1110 shall apply to all Protected Trees being preserved.

3.1109 TREE REPLACEMENT(1) Tree Replacement

- (a) When Protected Trees are removed, tree replacement shall be required.
- (b) Replacement trees will also be required to replace any trees that were planted or identified to be preserved in a Tree Replacement Plan, but died within two (2) years of the date the Certificate of Occupancy or acceptance letter of subdivision public improvements is issued.

- (c) Replacement trees of the same or similar species as the Protected Tree to be removed shall be planted as required in the tree replacement schedule in subsection 3.1109(2)(g) below. Each replacement tree shall be a minimum of three inches (3") caliper and a minimum of ten feet (10') in height and five foot (5') spread, when planted. All replacement trees shall comply with generally accepted criteria such as those provided in the Tree Technical Manual.
- (d) Each replacement tree shall have an irrigation system or watering schedule in accordance with the generally accepted methods in the Tree Technical Manual.
- (e) Each replacement tree shall be planted on the same subdivision or development site from which the tree was removed. In the event that there is not a suitable location for the replacement tree(s) on the same site, as determined and certified by a landscape architect and approved by the Forestry Manager, or if the Forestry Manager determines that replacement trees are unable to survive on the site based on information submitted by the landscape architect, the owner of the site will be allowed to do one of the following: (1) make a cash payment into the Tree Fund in accordance with the tree replacement schedule provided in paragraph (g) below, which shall be used to fund tree plantings or tree replacement on public property, or (2) plant trees on public property according to the tree replacement schedule provided in paragraph (g) below, as approved by the Forestry Manager.
- (f) Replacement trees required under the subdivision process shall be planted no later than two (2) years from the date of the acceptance letter for the subdivision public improvements, provided that fiscal security is posted in accordance with Section 3.1111.
- (g) The tree replacement schedule is provided below and the replacement inches shall be calculated as follows: total diameter of trees in a single category multiplied by the tree replacement ratio for that category equals the tree replacement required for that category of trees. The tree replacement ratio applies to the DBH of the existing tree to be removed.

DBH of Existing Tree	Tree Replacement Ratio
I. 8 to 19.99 inches	1.0
II. 20 + inches	3.0

Example: If an existing 12 inch tree is removed, 12 inches of tree replacement results. If an existing 20 inch tree is removed, 60 inches of tree replacement results.

(2) Tree Replacement Fee

- (a) Fees are based on the ratios in subsection 3.1109(2)(g) above. Payment is calculated at \$150 per inch replaced. For example, a 10 inch tree removed, multiplied by the 1.0 ratio, requires 10 replacement inches. 10 replacement inches multiplied by \$150 equals \$1,500. The City Council shall from time to time review the fee amount provided and adjust as necessary.
- (b) The tree replacement fee shall be tendered in the form of a cashier's check or other form of payment acceptable by the City, payable to the City of Round Rock.
- (c) The cashier's check or other form of payment acceptable by the City shall be submitted to the Forestry Manager at the time of site plan approval; prior to subdivision construction plan acceptance; prior to plat recordation; or upon the tree removal permit approval, depending on the applicable review process.

(3) Tree Credits

- (a) Trees with diameters of three (3) or more inches and less than eight (8) inches located on site may be credited toward the replacement trees required under this Section. For applicable lots under Section 3.1105(1)(b), trees with diameters of three (3) to nineteen (19) inches located on site may be credited toward the replacement trees required under this Section.
- (b) Up to fifty (50) percent of the inches to be replaced may be done through tree credits.
- (c) The trees selected for consideration toward the amount of replacement trees required shall be indicated on the tree survey and the Tree Replacement Plan.
- (d) The trees shown on the tree survey and the Tree Replacement Plan as the trees proposed for tree credits shall be protected in the same manner as a Protected Tree.
- (e) The Forestry Manager will review the trees proposed for tree credits provided in the tree survey and Tree Replacement Plan and will approve or deny the use of the recommended trees as credits toward the replacement trees required. The Forestry Manager's review will be based on the assessed health, structure, habit, disease, or decline of the tree.

### 3.1110 TREE PROTECTION MEASURES

#### (1) Critical Root Zone

During construction Temporary Tree Protection Devices shall be installed at least to the limit of the Critical Root Zone or dripline, whichever is greater, for any Protected Tree to be preserved when the respective Critical Root Zone is within the limits of construction.

#### (2) Disturbance of Critical Root Zone

If a site plan, tree protection plan or subdivision construction plan shows that more than twenty-five percent (25%) of the Critical Root Zone would be disturbed, the tree will be considered damaged and will be removed and replaced in accordance with the approved Tree Replacement Plan.

#### (3) Hazardous Activities

Activities hazardous to the health of any Protected Tree being preserved are prohibited including but not limited to the following and as generally described in the Tree Technical Manual:

- (a) Physical damage. Any physical damage, including Tree Topping and/or pruning.
- (b) Equipment cleaning and liquid disposal. Cleaning equipment, depositing or allowing harmful liquids to flow overland within the limits of the Critical Root Zone. This includes paint, oil, solvents, asphalt, concrete, mortar, tar or similar materials.
- (c) Grade changes. Grade changes (cut or fill) within the limits of the Critical Root Zone unless adequate construction methods are approved by the Forestry Manager.
- (d) Impervious paving. Paving with asphalt, concrete or other impervious materials within the limits of the Critical Root Zone in a manner which may reasonably be expected to kill a tree.
- (e) Material storage. Storing materials intended for use in construction or allowing waste materials due to excavation or demolition to accumulate within the limits of the Critical Root Zone.
- (f) Tree attachments. Attaching to a tree any signs, wires, or other items, other than those of a protective nature.

- (g) Vehicular traffic. Vehicular and/or construction equipment traffic, parking, or storage within the limits of the Critical Root Zone, other than on pre-existing or approved pavement. This restriction does not apply to single incident access within the Critical Root Zone for purposes of clearing underbrush, vehicular access necessary for emergency services, routine utility maintenance, emergency restoration of utility service, or routine mowing operations.
- (h) Utility encroachment. Installation of utilities and appurtenances within the Critical Root Zone or crown except as otherwise approved by the Forestry Manager.
- (i) Excavation and trenching. Excavation and trenching within the limits of the Critical Root Zone, except as otherwise approved by the Forestry Manager.

(4) Plans

Details and notes prohibiting the above activities as generally provided in the Tree Technical Manual shall be included on all Tree Protection Plans and Tree Replacement Plans.

### 3.1111 FISCAL SECURITY FOR TREES

(1) Posting of Fiscal at Subdivision

The Owner must post fiscal security with the City prior to a request for recordation of the Final Plat or prior to subdivision construction plan acceptance, whichever comes first, if the replacement trees required under the approved Tree Replacement Plan have not been installed and accepted by the Forestry Manager.

(2) Amount

The amount of fiscal security posted by the Owner shall equal the estimated cost plus ten percent to complete the approved Tree Replacement Plan. The Owner's Landscape Architect shall provide the Forestry Manager with a sealed opinion of the probable cost for his approval. The fiscal shall be posted for a two year time period, with commencement of the time period to begin upon the subdivision improvement construction acceptance or the issuance of the Certificate of Occupancy.

(3) Administrative Fee

The Owner shall pay an administrative fee equal to five percent (5%) of the amount to be posted for all fiscal posting.



(4) Types

In a form approved by the City Attorney, an Owner may post as fiscal security:

- (a) A performance bond; or
- (b) A letter of credit.

(5) Expenditure of Fiscal Security

The City may draw on the fiscal security and pay the cost of completing the Tree Replacement Plan approved if it determines that the Owner has breached the obligations secured by the fiscal security or the two (2) year time period for the installation of the replacement trees has expired. The City shall refund the balance of the fiscal security, if any, to the Owner. The Owner shall be liable for the cost that exceeds the amount of fiscal security, if any, including any costs incurred by the City to draw on the fiscal security.

(6) Return of Fiscal Security

The City shall return the fiscal security to the Owner when final inspection approval is provided by the Forestry Manager.

3.1112 ADMINISTRATION AND ENFORCEMENT

This Section 3.1100 will be administered and enforced by the Forestry Manager.

(1) Administration(a) Role of the Forestry Manager

- (i) Serve on the Development Review committee (DRC), providing technical advice regarding Protected Trees and Tree Replacement Plans to the DRC through the site plan process.
- (ii) Provide technical advice regarding Protected Trees and Tree Replacement Plans to the Planning and Zoning Commission through the plat review process.
- (iii) Approves or disapproves the removal of Protected Trees unrelated to the site plan or subdivision processes.
- (iv) Reviews and recommends updates to this Ordinance and the Tree Technical Manual.

(b) Role of the DRC

Approves or disapproves Protected Trees to be preserved, removed, or replaced as part of the Site Plan process.

(c) Role of the Planning and Zoning Commission

Approves or disapproves Protected Trees to be preserved, removed, or replaced as part of the subdivision process.

(2) Enforcement(a) Inspections

The Forestry Manager is hereby authorized to make such inspections and take such actions as may be required to enforce the provisions of this Section 3.1100.

(b) Powers and Duties

The Forestry Manager shall have the following powers:

- (i) To enforce the provisions of this Section 3.1100, file complaints in municipal court against persons who violate any of its provisions.
- (ii) To enter any premise for the purpose of inspecting the trees provided for in the tree surveys and Tree Replacement Plans, the protection of Trees on the site, the Trees being installed, the trees being removed or to perform his/her official duties.
- (iii) To ensure compliance with this Section 3.1100 where a Tree Replacement Plan has been submitted and approved.
- (iv) To issue a stop work order to a person to cease performing any work being done without a requisite permit or otherwise in violation of this Section 3.1100.

(c) Faulty Work

- (i) If the installation of replacement trees are found to be of substandard quality, incorrectly or defectively installed or found not to be installed in accordance with the Tree Replacement Plan and the latest edition of the *American Standard for Nursery Stock*, as published by the American Association of Nurserymen, the Forestry Manager shall notify the owner in writing all the changes that need to be made in order for the work to conform with the Tree Replacement Plan and the provisions of this Section 3.1100.

- (ii) If the Forestry Manager finds that the Protected Trees on the site were damaged due to construction during the subdivision or site plan process, the Forestry Manager shall notify the owner in writing identifying the damaged trees and the owner shall replace the damaged trees in accordance with Section 3.1109.
  - (iii) A subdivision plat shall not be recorded, a Certificate of Occupancy shall not be issued, or fiscal shall not be released until the Forestry Manager re-inspects the site and finds that the changes requested have been completed correctly and in accordance with the Tree Replacement Plan and the provisions of this Section 3.1100 or the fiscal posted is paid into the Tree Fund.
- (d) Final Inspection
- (i) Upon the completion of all the installation of Trees, the owner shall notify the Forestry Manager that the work is ready for final inspection.
  - (ii) If faulty work or substandard plant material is found, the owner shall be notified of the necessary changes to be done in accordance with subsection 3.1112(2)(c) above. If such work is found to be correctly installed and in accordance with the Tree Replacement Plan, the Forestry Manager shall provide written notification to the appropriate City official that the owner has met the requirements of this Section 3.1100.

### 3.1113 EXCEPTIONS

- (1) During the period of an emergency, such as a tornado, storm, flood or other natural disaster, the requirements of this Section 3.1100 may be waived as deemed necessary by the Emergency Management Coordinator or other designee of the City Manager. In addition to rights granted by easement, utility service providers, lawfully within the right-of-way, may remove Trees during the period of an emergency that are determined by the provider to be a danger to public safety and welfare by interfering with utility service.
- (2) The City shall have the right to plant, prune, remove and maintain any Protected Tree located on a right-of-way, easement, public parkland or any other City-owned property as may be necessary to ensure public safety. The City may remove or cause or order to be removed any Protected Tree or part thereof, which is in an unsafe condition, or which by reason of its nature or location unreasonably interferes with the construction, maintenance or replacement of wastewater lines, water lines, drainage facilities, streets or other public improvements. Before removing a Monarch Tree for any of the reasons provided above, a City department shall consult with the Forestry Manager to determine whether a Monarch Tree may be removed, with the final decision being made by the City Manager.

3.1114 VIOLATIONS

Violations of this Section 3.1100 shall be punishable by a fine of up to \$500.00, and each Protected Tree that is unlawfully removed or damaged shall constitute a separate offense. Criminal prosecution shall not preclude civil action by the City to recover for the damage or loss of the tree, and the City Attorney is hereby authorized, without further authorization from the City Council, to institute and prosecute a lawsuit against any person who unlawfully removes or damages a Protected Tree to recover the reasonable value of the tree.

3.1115 APPEALS(1) Denial of Protected Tree Removal Permit

If an application for a Protected Tree Removal Permit is denied, the applicant may appeal such action to the Zoning Board of Adjustment by filing written notice of such appeal with the Director of Planning and Community Development within ten (10) days of notice of the denial of the application by the Forestry Manager. The Board shall have forty-five (45) days from the date of the appeal to review said denial. The Board may affirm or reverse the determination of the Forestry Manager. If the Board fails to act within forty-five (45) days, the appeal shall be automatically granted and a Protected Tree Removal Permit issued.

(2) Denial of Tree Removal Request Through The Subdivision Process

If a Protected Tree Removal request is denied, the applicant may appeal such action to the City Council by filing written notice of such appeal with the Director of Planning and Community Development within ten (10) days of notice of the denial of the application by the Planning and Zoning Commission. The City Council shall have thirty (30) days from the date of the appeal to review said denial. The City Council may affirm or reverse the determination of the Planning and Zoning Commission. If the City Council fails to act within thirty (30) days, the appeal shall be automatically granted and a Protected Tree Removal request approved.

(3) Denial of Tree Removal Request Through The Site Plan Process

If a Protected Tree Removal request is denied, the applicant may appeal such action to the Zoning Board of Adjustment by filing written notice of such appeal with the Director of Planning and Community Development within ten (10) days of notice of the denial of the application by the DRC. The Board shall have forty-five (45) days from the date of the appeal to review said denial. The Board may affirm or reverse the determination of the DRC. If the Board fails to act within forty-five (45) days, the appeal shall be automatically granted and a Protected Tree Removal request approved.

3.1116 TREE FUND

The Tree Fund shall consist of fees generated as a result of tree replacement requirements as well as general donations for public Tree plantings.

(1) Establishment of Fund

A Tree Fund is hereby established.

(2) Funds to be Deposited

Tree replacement fees for the installation of replacement trees, as provided for in Section 3.1109, shall be deposited in the Tree Fund.

(3) Use of Funds

Expenditures from the Tree Fund shall be used solely for the purpose of purchasing and installing trees on public rights-of-way, public park land or any other City-owned property, and for administering the Tree Fund.

(Ordinance No. G-05-01-13-9B1 of January 13, 2005)

**SECTION 3.1200      STORMWATER DRAINAGE POLICY**

The city council hereby adopts and establishes the following policies for stormwater drainage planning and management:

**3.1201 GENERAL POLICIES**

- (1) Storm drainage facilities shall be designed in compliance with the provisions of the Drainage Criteria Manual of the City of Austin, Sections 2 through 9 and errata sheets dated July 21, 1977. In case of conflict between Round Rock City Ordinances and Manual Contents, Round Rock City Ordinances shall prevail. No Manual amendments by the City of Austin shall become effective without first being adopted by the Round Rock City Council.
- (2) All facilities shall be designed to intercept and transport the projected runoff from a 25-year frequency storm. Overflow and/or transport provisions shall be provided for the 100-year storm.
- (3) Projected runoff rates for the design of drainage facilities shall be based on the expected ultimate developed state of the upstream contributing area.

(Ordinance No. 951 of April 8, 1982)

- (4) All development establishing impervious cover or otherwise modifying an existing site shall incorporate facilities to prevent any increase in the peak rate of runoff from a 25-year frequency storm. Impervious cover is defined as man-made or constructed coverage of the natural ground surface with roofs, parking lots, streets, drives, etc. The city engineer shall be authorized to waive this requirement under one (1) or more of the following circumstances:
  - (a) Approved off-site storage is provided for the required regulation of peak flows.
  - (b) Construction of a single or two-family residential structure on any legally platted lot creates no more impervious ground cover than thirty percent (30%) of the gross lot surface area.

(Ordinance No. 967 of August 26, 1982)

- (c) Certified engineering data and calculations are presented which fully describe, explain and justify recommended alternatives.
- (d) Requests for participation in Regional Ponding will be accepted if the subject tract meets the following conditions as they apply:
  - (i) The proposed development will not result in additional identifiable adverse flooding of other property.

- (ii) A comprehensive engineering report is submitted with all participation requests. This report should address the following as they apply.
- a. If the property is suspected of being located in an area of the watershed where ponding would have an identifiable adverse effect on downstream or adjacent property, a spatial series of hydrographs must demonstrate that releasing the developed flows without ponding would prove advantageous.
  - b. If no direct access to a main watercourse is available and the outflows from the property will eventually confluence at a point satisfying (ii) a. above. An analysis of the secondary drainage system must also be submitted. The secondary drainage system is defined as any gutter, storm sewer, minor channel, or other similar intermediate drainage facility.
  - c. If the subject tract does not satisfy the conditions of (ii) a., it must have access to a designated regional pond. The engineer must submit a report addressing the conveyance capabilities of the secondary drainage system as mentioned in (ii) b. If the pond is either under construction or proposed for construction, the city engineer will make a determination of the applicant's participation ability. The criteria for this participation will be based on existing sensitivity in the watershed, as presented in the engineering application report. If participation is denied due to a lack of available facilities, provisions can be made for temporary ponding within the applicant's tract, with the intention of their removal as soon as regional facilities are made available.
- (iii) Participation fees will be based upon proposed land use. The fees are as follows:
- |                 |                       |
|-----------------|-----------------------|
| \$ 800.00/acre  | Single-Family         |
| \$1,600.00/acre | Multi-Family          |
| \$2,400.00/acre | Commercial/Industrial |
- a. Adjustment of these fees will be allowed at the discretion of the city engineer, if it is determined that certain impervious coverage restrictions, (e.g. special watershed ordinances), reduce the actual land use. However, the minimum fee regardless of any land use restrictions, shall not be less than \$800.00/acre.

- b. Upon approval of participation, the full participation fee will be due prior to approval of construction plans for single family projects and upon building permit approval for multifamily/commercial/and industrial projects.

- (5) Waiver of this requirement for any reason shall not relieve the owner of responsibility under civil law to adjacent and downstream property owners.

(Ordinance No. 2203 of October 24, 1985)

### 3.1202 DRAINAGE CHANNELS

- (1) The 25-year and 100-year flood plains shall be determined for water courses draining fifty (50) or more acres. Calculations for flood plains shall utilize generally recognized backwater computational methods and actual field channel and overbank configuration.
- (2) No importation of fill material or channel modifications shall be undertaken within the area of the 100-year flood plain without permission of the city engineer. Such permission shall be based upon certified engineering data and calculations furnished by the proposing permittee.
- (3) All constructed or modified earthen channels shall be designed utilizing a side slope of 3 to 1, or flatter, to allow for future maintenance and promote adequate slope stability.

### 3.1203 STREETS AND STORM SEWERS

- (1) All street sections shall be in accordance with city standards with an allowable design drainage capacity for gutter flow no deeper than the top of the curb.
- (2) Depth of flow in streets is to be controlled to allowable levels by modification of crossfall, gradient changes, or the use of curb inlets and storm sewers.
- (3) Curb inlets shall be spaced as required to control flow in streets to allowable levels and placed to minimize interference of runoff to traffic flow, particularly at intersections.
- (4) All storm sewer pipe shall be reinforced concrete, minimum size eighteen (18) inches diameter, and installed in compliance with the city's standard specifications for public works construction of the City of Round Rock.

### 3.1204 BRIDGES AND CULVERTS

- (1) All bridge or culvert structures shall be designed to carry and/or store the upstream runoff from a 25-year storm.



- (2) Runoff from the 100-year storm may, however, overtop the road surface at bridge or culvert crossings a maximum of six (6) inches for a major or collector street crossing, or a maximum of twelve (12) inches on a minor or residential street crossing.

### 3.1205 COMPUTATIONS AND PLANS

- (1) Plans for proposed drainage facilities shall be submitted to the city engineer for acceptance prior to construction.
- (2) Computations for all drainage related design shall be submitted with the plans for review. Data submitted shall include a drainage area map, a summary of methodology employed and resulting data, land use and runoff coefficient assumptions and other pertinent hydrologic and hydraulic data.
- (3) Certification shall be submitted by the design engineer that the plans and computations are in compliance with the requirements of this policy and -the Drainage Criteria Manual, referred to above.
- (4) Following construction, but prior to acceptance of improvements by the city, the design engineer shall furnish certification that based upon his periodic inspection of the work all improvements, including those covered by this section, have been constructed in compliance with the city's requirements.

### 3.1206 SUBDIVISION PLATS

- (1) Preliminary plans for subdivisions shall show the limits of the 25 and 100-year floodplain for all waterways draining fifty (50) or more acres.
- (2) The final plat of any proposed subdivision shall provide adequate drainage easements to cover 25-year floodplain areas, drainage channels, pipe systems, and any other related drainage facilities.
- (3) The final plat shall establish specific minimum floor slab elevations for construction of any structures on a lot adjacent to or within and adjacent to any 100-year floodplain area to assure future structures are constructed a minimum of one (1) foot above the 100-year storm levels.
- (4) The final plat shall also contain a certification by an engineer that the easements, slab elevations, and any other drainage related notes are in compliance with the policies and criteria of the City of Round Rock.

### 3.1207 BUILDING PERMITS

- (1) Plans submitted for building permits other than single family residential or duplex construction shall include the necessary drainage related facilities designed and

provided for in compliance with this policy and the City of Round Rock Drainage Criteria Manual.

- (2) Plans and design calculations for all drainage facilities shall be submitted to the city engineer for acceptance prior to issuance of the building permit.
- (3) The design engineer shall certify that the plans and calculations for all drainage facilities are in compliance with the policies and criteria of the City of Round Rock.
- (4) Following construction, but prior to issuance of a Certificate of Occupancy by the city, the design engineer shall certify that the public works improvements, including those covered by this section have been constructed in compliance with the city's requirements based on his inspection of the completed work.

(Ordinance No. 951 of April 8, 1982)

Cross Reference: See also Section 3.1000, Flood Damage Prevention Regulations, Section 8.609, Drainage and Storm Sewers, and Section 8.614, Flood Regulation.

## **SECTION 3.1300      RESERVED FOR FUTURE USE**

## **SECTION 3.1400      SIGNS**

### **3.1401 HOME OCCUPATIONS SIGNS**

Customary home occupations shall be permitted one (1) sign each, provided that such sign shall be attached flatwise to the house and shall not exceed two (2) square feet in surface area.

(Ordinance No. G-95-12-21-10B of December 21, 1995)

### **3.1402 CONSTRUCTION PHASE SIGNS**

During construction of a building, one (1) unilluminated sign advertising contractors or architects working on such premises shall be permitted, provided that such sign shall not be more than forty (40) square feet in area and shall be set back from the front property line. Such sign shall be removed immediately upon the occupancy of the building.

(Ordinance No. G-95-12-21-10B of December 21, 1995)

3.1403 BUSINESS USES SIGNS

- (1) Definitions. For the purposes of this Section, certain terms and words are hereby defined. Terms not defined herein shall be construed in accordance with Chapter 11, Zoning and other Codes and ordinances or their customary usage.
- (a) Animated Sign. Any sign that uses movement or change of lighting to depict action or motion.
  - (b) Banner. Any sign printed or displayed upon cloth or other flexible material, with or without frames.
  - (c) Business Use. Land uses classified by the Zoning Ordinance as commercial or industrial, including churches, schools, and multi-family projects, but not customary home occupations.
  - (d) Changeable Copy Sign. A sign or portion thereof with characters, letters, or illustrations that can be changed or rearranged.
  - (e) Cluster Sign Site. A tract of land located in a Large Center on a Frontage Road and limited to use for a sign cluster and the associated landscaping.
  - (f) Free Standing Sign. Any sign which is attached to or part of a completely self-supporting structure. The supporting structure shall be firmly in or below the ground surface and not attached to any building or other structure, whether portable or stationary.
  - (g) Freeway. Any highway that contains frontage roads.
  - (h) Frontage Road. The set of lanes on either side of a Freeway, which parallel the Freeway center lanes and provide access to abutting properties.
  - (i) Fuel Outlet. A business use where gasoline or other type of fuel for motor vehicles is pumped for sale.
  - (j) Large Center. A lot or group of adjacent lots in the same subdivision consisting of three (3) acres of land or more and containing commercial or industrial land uses.
  - (k) Monument Sign. Any sign which is separate from buildings and the entire bottom of which is in contact with or in close proximity to the ground.
  - (l) Pole Sign. Any sign that is supported by a pole or poles, said pole or poles being separate from buildings.

- (m) Sign. Any device or surface on which letters, numbers, illustrations, designs, figures, or other symbols are painted, printed, stamped, raised, projected or in any manner outlined or attached and is used for the purposes of advertisement, announcement, declaration, demonstration, display, identification or expression.
- (n) Sign Area. Surface or face of a sign used for the purpose of communicating information to the public. As specified in Table 3.1403, this measurement is expressed as a square footage amount authorized to each sign face. The sign area shall be computed by means of the smallest polygon or circle or combination thereof that will encompass the extreme limits of the writing, representation, emblem or other display and is contained within the respective sign cabinet.
- (o) Sign Cabinet. The structure or border used to differentiate a sign face from the structure against which a sign face is placed.
- (p) Small Center. A lot or lots consisting of fewer than three (3) acres of land and containing authorized business uses.
- (q) Spacing. The distance required between signs of the same category or, between Large Center and Small Center Signs on Frontage Roads.
- (r) Standard Roadway. Any public street or highway that is not a freeway.
- (s) Tenancy. A Small Center containing more than one (1) business.
- (2) Business Use Signs. Except as otherwise provided herein, business uses shall be permitted one or more sign per lot, as set forth in Table 3.1403 below, except that a Large Center Sign may have two or more Signs as set forth in Table 3.1403.

(Ordinance No. 934 of January 14, 1982 as amended by Ordinance No. G-93-03-11-8D of March 11, 1993 and Ordinance No. G-95-12-21-10B of December 21, 1995 and Ordinance No. G-97-06-12-10B of June 12, 1997)

**Table 3.1403**

Authorized Free Standing Business Use Signs  
(One (1) sign per lot, unless otherwise stated.)

<b>Business Use</b> (as defined)	<b>Sign Area</b> (maximum: square feet)	<b>Height</b> (maximum: feet)	<b>Front Setback</b> (minimum: feet)	<b>Spacing</b> (minimum: feet)
<b>Any Business Use</b> <sup>(1)</sup> (Monument Sign Only)	50	5	0	not applicable
<b>Small Center</b>	40	20	10	not applicable
<b>Fuel Outlet</b>	40 <sup>(2)</sup>	20	10	not applicable
<b>Tenancy</b>	100 <sup>(3)</sup>	20	10	not applicable
<b>Large Center</b> 3-acres plus	200 Two signs per three acres <sup>(4)</sup>	30	25	150
<b>Small Center</b> (Frontage Road)	320	30	25	150
<b>Large Center</b> 3-acres plus (Frontage Road)	320 Two signs per three acres <sup>(4)</sup>	30	25	150

**Notes:**

- Any business may utilize a Monument Sign, with a maximum sign area of 50 square feet, a maximum height of 5 feet and with no minimum setback, as a substitute for any sign listed above.
- A 50 square foot sign is authorized only if it includes a gasoline price posting on a single sign.
- A 100 square foot sign is authorized provided no single tenant is allocated more than 40 square feet of sign area.
- Additional signs shall be permitted to each Large Center on the basis of one additional sign for each additional four (4) acres of land, up to a maximum of four signs.

- (3) Nonresidential uses which are on a tract which is located no more than one hundred (100) feet of the interstate highway right-of-way shall each be permitted, in lieu of any other authorized sign or signs, one sign of not more than one hundred (100) square feet, provided that such sign (a) shall not be placed within any required yard, (b) shall not be placed within twenty-five (25) feet of the front property line, (c) shall not be placed within one hundred (100) feet of an existing sign permitted by this paragraph and paragraph (2) above, (d) shall not be placed more than two hundred (200) feet from the Interstate Highway 35 right-of-way and (e) shall not exceed thirty (30) feet in height.

(Ordinance No. 2396 of February 23, 1989 as amended by Ordinance No. G-97-06-12-10B of June 12, 1997)

- (4) Monument Signs. Where permitted by this Section, monument signs shall be in compliance with the following regulations:

- (a) A monument sign shall not exceed fifty (50) square feet of sign area; provided however that a monument sign included in a sign cluster may contain no more than one hundred (100) square feet.
- (b) A monument sign shall not include a changeable copy feature; provided however that a fuel outlet may utilize a changeable copy feature that is up to fifty percent (50%) of the sign area to post fuel prices.
- (c) A monument sign shall not be an animated sign.
- (d) Unless there is a conflict with public utilities or required sight distance, there shall be no front setback requirement for a monument sign.
- (e) A landscaped area of no less than one hundred twenty (120) square feet shall be required at the base of the sign.
- (f) A landscape maintenance plan shall be submitted for approval to the Director of Planning prior to the issuance of a building permit.

- (5) Prohibited Signs

- (a) It shall be unlawful for any person to erect, relocate, repair, repaint or materially alter any Sign, as defined herein, within the city's limits or extraterritorial jurisdiction, without first obtaining a building permit issued by the Chief Building Official or his designee, as directed in Section 3.106 of this Code.
- (b) All signs not expressly authorized by this Section or exempt from the regulations hereunder in accordance with this Code are prohibited. Such unauthorized Signs include, but are not limited to, inflatable signs, tethered balloons, and the use of beacons or search lights for advertising purposes.

(Ordinance No. G-95-12-21-10B of December 21, 1995 as amended by Ordinance No. G-97-02-27-9C of April 10, 1997 and Ordinance No. G-97-06-12-10B of June 12, 1997)

### 3.1404 SUBDIVISION MARKETING SIGNS

- (1) For the purpose of marketing a recorded subdivision, one (1) on-premises sign of not more than three hundred twenty (320) square feet for each road abutting the respective subdivision shall be permitted, provided that such sign shall not be placed within any required yard nor within twenty-five (25) feet of any propertyline abutting a street or road right-of-way, and further provided, that such sign shall not exceed thirty (30) feet in height.

(Ordinance No. G-95-12-21-10B of December 21, 1995 as amended by Ordinance No. G-97-06-12-10B of June 12, 1997)

### 3.1405 PORTABLE SIGNS

- (1) A portable sign is any sign not permanently attached to the ground or a building. Portable signs include, but are not limited to, any sign mounted or attached to a pick up truck, van, or any other motor vehicle or trailer.
- (2) It shall be unlawful for any person, firm, or corporation to erect, construct, or locate within the city any portable sign, or cause the same to be done. This shall not be interpreted to prohibit identification lettering on motor vehicles including, but not limited to, the name, address, and number of a building, institution, or person and to the activity carried on in the building or institution, or the occupancy or other similar information.
- (3) It shall be unlawful for any person, firm, or corporation to operate or park any vehicle or trailer so as to be visible from a public right-of-way for the primary purpose of advertisement of products or directing people to a business or activity located in the same or nearby property or any other premises. This shall not be interpreted to prohibit "for sale" signs being placed on vehicles or trailers.
- (4) All existing portable signs in use as of the effective date hereof must be removed within ninety (90) days of said effective date or be subject to the prohibitions contained herein.

(Ordinance No. G-95-12-21-10B of December 21, 1995)

3.1406 TEMPORARY SIGNS

- (1) Temporary signs not exceeding forty (40) square feet in area pertaining to drives or events of civic, philanthropic, education, or religious organizations, provided that said signs are posted only during said drive or no more than thirty (30) days prior to said event and are removed no more than seven (7) days after an event are exempt from the provisions of this section. The city council may grant a special permit for temporary signs or banners over a street or public way. A temporary banner may exceed twenty (20) square feet in area in the discretion of the city council.
- (2) Temporary signs not exceeding nine (9) square feet in area pertaining to the lease, sale, or rental of a building or use are exempt from the provisions of this section.

(Ordinance No. 934 of January 14, 1982 as amended by Ordinance No. G-95-12-21-10B of December 21, 1995)

- (3) Temporary signs in a SF-1 zone, SF-2 zone or a TF zone pertaining to the lease, sale or rental of a building may be permitted in the right-of-way provided they meet the following criteria:
  - (a) the sign does not exceed four (4) square feet in total sign area,
  - (b) the sign is located in a portion of the public right-of-way immediately adjacent to the property being offered for lease, sale or rent,
  - (c) the sign does not interfere with the public's legitimate use of the roadway or sidewalk,
  - (d) the sign is not located within thirty-five (35) feet of an intersection so as to violate Section 11.304(7) of this Code, and
  - (e) the sign is not located in the right-of-way of any freeway, parkway or arterial roadway as described in Section 11.200 of this Code.

(Ordinance No. 2357 of September 22, 1988 as amended by Ordinance No. G-95-12-21-10B of December 21, 1995)

3.1407 NONCONFORMING SIGN ABATEMENT

- (1) All signs which are in violation of this section shall be deemed nonconforming and shall be brought into compliance or removed no later than January 1, 1991.
- (2) If a nonconforming sign is damaged or destroyed to the extent of fifty (50) percent or more of its fair market value, then restoration or new construction shall not be permitted, unless such restoration or new construction shall conform to all regulations in this section.



- (3) No building permit shall be issued for construction on any lot on which there is situated a nonconforming sign.

(Ordinance No. 1100 of September 13, 1984 as amended by Ordinance No. G-95-12-21-10B of December 21, 1995)

3.1408 SIGNS, POSTERS AND OUTDOOR ADVERTISING  
PROHIBITED IN PUBLIC RIGHTS-OF-WAY

- (1) It is unlawful and a misdemeanor for any person to place a sign, poster or outdoor advertising within the public ways, streets, or road rights-of-way within the incorporated limits or extraterritorial jurisdiction of the City of Round Rock, Texas.
- (2) Any sign, poster or outdoor advertising found within the prohibited area shall be declared a public nuisance and may be removed by the City.
- (3) Any sign, poster or outdoor advertising removed by the City shall immediately become the property of the City.
- (4) The removal of any sign, poster or outdoor advertising by the City shall not preclude the City from prosecuting any person for violating this subsection.

(Ordinance No. 2187 of August 8, 1985 as amended by Ordinance No. G-95-12-21-10B of December 21, 1995 and Ordinance No. G-04-02-12-13A4 of February 12, 2004)

3.1409 AREA IDENTIFICATION SIGNS

For the purpose of area identification, the Director of Planning may grant a special permit for an area identification sign provided it meets the following criteria:

- (1) The sign must be a monument sign, and constructed of stone, brick or other maintenance-free material.
- (2) The sign must primarily identify an area (i.e., subdivision identification or commercial center identification).
- (3) The sign may list the name of major buildings occupying sites of three (3) acres or more provided that the letter size of these listings does not exceed fifty (50) percent of the letter size of the area designation.

- (4) The sign may be located at an off-premises location adjacent to an arterial roadway to identify the primary entrance to the area.
- (5) The sign may contain only the name of the area to be identified and a secondary list of major buildings or complexes. The sign shall not list tenants within buildings nor shall it contain any other form of advertising.
- (6) The design and construction of such signs must assure compatibility with surrounding development.
- (7) The location of such signs must not restrict visibility at intersections.
- (8) Lighting is restricted to ground lighting only.
- (9) The Director of Planning may permit future additions to the list of major buildings.
- (10) The Director of Planning may permit the location of area identification signs on private property or on public property if the applicant obtains a license agreement from the city council to utilize public right-of-way for this purpose. Where such license agreement is required, the Director of Planning may conditionally approve such a sign location upon the approval of a license agreement by the city council. Such conditional approval is null and void if a license agreement is not approved by the city council within sixty (60) days of the Director of Planning's approval. Such conditional approval is not a commitment that the city council will approve such license agreement.
- (11) No other commercial sign shall be allowed within one hundred (100) feet of an area identification sign.
- (12) Area identification signs shall not exceed one hundred (100) square feet of total sign area.

(Ordinance No. 2357 of September 22, 1988)

- (13) The application for an area identification sign shall be accompanied by a fee of two hundred fifty dollars (\$250.00)

(Ordinance No. 2554 of November 14, 1991 as amended by Ordinance No. G-95-12-21-10B of December 21, 1995)

### 3.1410 SPECIAL EXCEPTIONS

- (1) The Director of Planning shall have the power to issue a special exception to the setback and/or height requirements provided for herein.

- (2) Before issuing a special exception to the setback and/or height requirements, the Director of Planning shall make the following findings:
  - (a) That the parcel of land for which the special exception is requested is zoned C-1 or C-3 and is adjacent to the right-of-way for a freeway;
  - (b) That the sign will be used to advertise only on site restaurants, a fuel outlet, or hotels, motels, and other establishments providing overnight lodging; and
  - (c) That a sign constructed in compliance with the setback and height requirements on any permitted location could not be seen from any main lane of a freeway from a location more than one thousand (1,000) feet prior to the nearest exit which provides access to the affected business. The point from which the one thousand (1,000) feet is measured shall be the point of tangency between the main lanes of the freeway and the exit ramp.
- (3) The burden of proof regarding the above findings shall be on the applicant requesting the special exception.
- (4) Any special exception granted shall be only for the minimum necessary to achieve the required visibility, but in no event shall a special exception be granted for a sign in excess of sixty-five (65) feet in height.

(Ordinance No. G-93-03-11-8D of March 11, 1993)

- (5) Under no circumstance shall a special exception be granted for the following:
  - (a) Any sign, sign structure, or advertising device not specifically permitted in this section.
  - (b) Any sign or device which by design or location resembles or conflicts with any traffic control sign or device.
  - (c) Any sign or device that creates a potential safety hazard by obstructing views of pedestrian and vehicular traffic at street intersections or driveways or by creating glare or other hazardous distraction.
  - (d) Any sign or device that is erected within six (6) feet horizontally or twelve (12) feet vertically or any overhead electric conductors.
  - (e) Any roof sign, portable sign, billboard, balloon inflatable, any sign constructed of a nondurable material, signs in the public right-of-way, wind driven advertising devices and flashing signs.

(Ordinance No. 2324 of February 25, 1988)

- (6) The application for a special exception to the setback and/or height requirements shall be accompanied by a fee of two hundred fifty dollars (\$250.00)

(Ordinance No. 2554 of November 14, 1991 as amended by Ordinance No. G-95-12-21-10B of December 21, 1995)

### 3.1411 APPEALS TO BUILDING STANDARDS COMMISSION

The Building Standards Commission shall hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by the Planning Director in the enforcement of this Section.

(Ordinance No. G-95-12-21-10B of December 21, 1995 as amended by Ordinance No. G-02-06-27-8A1 of June 27, 2002)

### 3.1412 REGULATION OF OUTDOOR SIGNS IN THE CITY'S EXTRATERRITORIAL JURISDICTION

- (1) Pursuant to the terms of §216.902 of the Local Government Code, the provisions of this Section 3.1400 regulating Signs shall be enforced in, and extended to the City's area of extraterritorial jurisdiction, except as provided below.
- (2) The provisions of this Section 3.1400 shall not be enforced in that portion of the City's extraterritorial jurisdiction that is located in the Brushy Creek Municipal Utility District and that is also located more than one hundred fifty feet (150') from the public right-of-way of RM Highway 620.
- (3) Notwithstanding the provisions of paragraph (2) above, beginning February 1, 2006, the provisions of this Section 3.1400 shall be enforced in, and extended to that portion of the City's extraterritorial jurisdiction that is located in the Brushy Creek Municipal Utility District and that is located more than one hundred fifty feet (150') from the public right-of-way of RM Highway 620. This paragraph (3) shall expire July 31, 2006.

(Ordinance No. G-97-02-27-9C of April 10, 1997 as amended by Ordinance No. G-05-03-10-13C1 of March 10, 2005, and Ordinance No. G-06-01-26-9A1 of January 26, 2006)

### 3.1413 POLITICAL CAMPAIGN SIGNS

- (1) Definitions

Unless it appears from the context that a different meaning is intended, the following words shall have the meanings given them in this subsection:

City means the City of Round Rock, a municipal corporation in the State of Texas.

Director of Public Works means the City Engineer/Director of Public Works.

Person means any person, FIRM, partnership, association, corporation, company, or organization of any kind.

Political Campaign Sign means any sign urging the election or defeat of any candidate seeking any political office, or urging the passage or defeat of any ballot measure, but does not mean or include any billboard owned or maintained by a commercial FIRM or advertising company.

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Public Property means all publicly owned property, including streets, rights-of-way, easements, and everything affixed thereto and thereover.

Sign means and includes any bill, poster, placard, handbill, flyer, painting, sign, or other similar object in any form whatsoever which contains printed or written matter in words, symbols, or pictures, or in any combination thereof.

(Ordinance No. 716 of September 27, 1979)

(2) Posting on Public Property Prohibited

- (a) It shall be unlawful for any person with the exception of paragraph (b) below, to post a political campaign sign on or over any public property in the city.
- (b) A political campaign sign may be permitted in the public right-of-way if:
  - (i) the sign does not exceed four (4) square feet in total sign area,
  - (ii) the sign is located in a portion of the public right-of-way immediately adjacent to the property or residence of the person posting the sign,
  - (iii) the sign does not interfere with the public's use of the roadway or sidewalk,
  - (iv) the sign is not located within thirty-five (35) feet of an intersection so as to violate Section 11.304(7) of this Code, and
  - (v) the sign is not located in the right-of way of any freeway, parkway or arterial roadway as described in Section 11.200 of this Code.

(Ordinance No. 2357 of September 22, 1988)

(3) Posting Time Limits

It shall be unlawful for any person to post a political campaign sign more than ninety (90) days prior to the election for which the sign is posted, and it shall be unlawful to fail to remove a political campaign sign within thirty (30) days after the election for which the sign was posted.

(4) Removal of Illegal Signs

(a) By Director of Public Works

The director of public works or his authorized agents are hereby authorized to remove any political campaign sign found posted within the corporate limits of the city when such sign is in violation of the provisions of this subsection.

(b) Authority of Director

For the purpose of removing political campaign signs, the director of public works or his authorized agents are empowered to enter upon the property where the signs are posted, and the director is further authorized to enlist the aid or assistance of any other department of the city and to secure legal process to the end that all such signs shall be expeditiously removed from any property where posted.

(5) Removal Procedure

When the director or his agents find that a political campaign sign has been posted in violation of this subsection, he shall attempt to contact the candidate, committee, or person responsible for the posting of such sign. If successful, he shall give twenty-four (24) hours advance telephonic notice of his intention to remove the sign, indicate the nature of the violation and the location of the sign. If, after such notification, the illegal sign remains in violation, the director or his agents shall remove said sign and store it in a safe location. If, after reasonable diligence, the director is unable to contact the candidate, committee, or person responsible for the sign, he may dispense with the notice requirement and remove the sign, storing it in a safe location.

(6) Storage, Notice, Return

If the director or his agents remove any political campaign sign, he shall keep a record of the location from which the sign was removed. He shall store the political campaign sign in a safe location for at least thirty (30) days and shall immediately notify by telephone the candidate, committee, or person responsible for the posting of the sign, indicating the fact of removal and the location where it may be retrieved. If the director is unable to make telephone contact, he shall provide written notice if the address of the candidate, committee, or person is known or can be ascertained. The director shall return any political campaign sign upon the payment of the fee provided in paragraph (7) below.

(7) Removal of Sign; Charge

The city shall be entitled to receive the sum of ten dollars (\$10.00) for every political campaign sign removed by the director, to cover the expense of removal, notice, and storage. In cases where unusual effort is needed to remove a sign, such as the cutting or removal of supporting structures, use of aerial devices, towing of "trailer signs", or other unusual situation, the city shall collect from the person responsible a sum sufficient to cover the costs and hourly wages of employees so utilized.



(8) Persons Responsible

In a campaign for political office, the candidate for such office shall be deemed the person responsible for the posting of political campaign signs, unless he first notifies the city secretary and the director of public works of another person who is responsible. In such cases, the candidate shall provide the name, address, telephone number, and signed consent of such other responsible person. In a campaign regarding a ballot measure, the president of the committee supporting or opposing such ballot measure shall be deemed responsible, unless he first notifies the city secretary, director of public works, or some other person responsible, in the manner described above. The candidate, or in the case of a ballot measure, the committee president, or other responsible person if so designated, shall be liable to pay any fees or costs for the removal and storage of illegal signs, as set out herein. Further, such candidate, committee president, or other designated person, shall be subject to prosecution for any violation of this section. Nothing in this subsection shall be interpreted to make any person liable, civilly or criminally, for any sign posted by persons unknown to him or her, or by persons over whom he or she has no control.

- (9) Illegal Signs Declared a Public Nuisance Political campaign signs in violation of this subsection are hereby declared to be public nuisances, and may be abated as such by the city. The collection of removal fees shall not preclude the city from prosecuting any person for violating this section.

(Ordinance No. 716 of September 27, 1979)

3.1414 SIGNS FOR HISTORIC DISTRICTS AND HISTORIC LANDMARKS(1) Purpose

The purpose of this Section 3.1414 is to provide for supplemental sign standards to protect and enhance the unique character of the city's historic districts and historic landmarks. Except where they are in direct conflict with this subsection, the provisions of other subsections of this Section 3.1400 shall apply to historic districts and historic landmarks.

(2) Definitions

- (a) Awning sign - Any sign painted on, or applied directly to, and contained entirely within the face, valance, or side panels of an awning.
- (b) Banner - A cloth sign hung perpendicular to the facade of a building that is attached to the bottom of a projecting sign, awning or canopy.
- (c) Business shingle - Any illustration or symbol which represents the type of business which occupies the building. No wording is allowed on such signs.

- (d) Canopy sign - Any sign painted on, or applied directly to, and contained entirely within the vertical face of a building canopy.
- (e) Facade sign - Any sign painted on, or attached directly to the exterior of a building.
- (f) Free-standing sign - Any sign not attached to, or placed upon, a building.
- (g) Hanging sign - Any signboard suspended from chains, hooks, or similar means from an awning, canopy, or building structural member.
- (h) Historic district - As defined Section 11.401.
- (i) Historic landmark - As defined in Section 11.401.
- (j) Primary sign - An awning sign, canopy sign, facade sign, free standing sign, hanging sign, projecting sign, roof sign, or window sign.
- (k) Projecting sign - Any signboard attached to and placed perpendicular to a building facade.
- (l) Secondary sign - A business shingle or banner.
- (m) Sign - Any display of letters, numbers, pictures, or other symbols upon a building, structure, or other object for the purpose of attracting attention to a building, property, or the goods or services offered therein.  
  
A sign shall include all parts of which it is composed, including the frame, background, and lighting. As used herein, "sign" does not include any sign located inside a building, not intended to be seen from the building's exterior.
- (n) Signboard - Any flat, rigid surface not exceeding four (4) inches in depth, as measured front to back, specifically designed as a sign.
- (o) Storefront - Any business which occupies a ground floor area of a building with an entrance and display area located at the front of a building.
- (p) String pennant - Any arrangement of small pieces of fabric repetitively fastened to a string, rope, cord, or similar item.
- (q) Window sign - Any sign painted on, or applied directly to, any window of a building.

(3) Size

- (a) Awning, canopy, hanging, projecting and free standing signs shall have a maximum area of ten (10) square feet.
- (b) Facade signs shall have a maximum area of forty (40) square feet.
- (c) A secondary sign shall have a maximum area of four (4) square feet.
- (d) Window signs shall not cover more than twenty-five (25) percent of any window pane surface area.

(4) Design

- (a) The design of signs shall be compatible with the character of the surrounding historic district and conforming signs.
- (b) Signs which rotate, oscillate, or display any form of motorized movement are prohibited.
- (c) All signs shall comply with the city building codes and regulations.

(5) Materials

- (a) The materials used in the construction of a sign shall be the same or similar to those found in the construction of the city's historic districts and historic landmarks.
- (b) Wood, metal, glass, canvass and masonry shall be acceptable materials.
- (c) For hanging banners, vinyl may be permitted but a cotton/polyester blend is encouraged. The use of other plastics shall be prohibited.

(6) Color

- (a) The colors used in a sign shall be compatible with the historic district or historic landmark.
- (b) Wherever possible, colors from historic palettes shall be used.
- (c) Exceptions to colors from an historic palette may where appropriate be allowed for colors which are part of a recognized logo.

(7) Illumination

- (a) A sign may be illuminated to provide for increased visibility.
- (b) Illumination shall either be from the top or ground.

- (c) Interior lighting within the body of the sign, flashing, moving pattern lights and back lighted awnings or canopies are prohibited.
- (d) Outdoor neon illumination shall be prohibited, except for dining and drinking establishments.

(8) Number

- (a) Each commercial storefront or building shall be entitled to one (1) facade sign, one (1) awning, canopy, hanging, or projecting sign, and one secondary sign as provided in subsection (10) below.
- (b) Except where located on a street corner, no additional signs are permitted for a multi-tenant building. A multi-tenant building located on a street corner shall be permitted to erect one (1) additional awning, canopy, hanging, or projecting sign along the side street.

(9) Placement

- (a) Signs shall be placed so as not to create a health or safety hazard due to visual obstruction or physical impediment.
- (b) A facade sign shall be mounted flush to the side of the building but shall not cover, obstruct, damage or otherwise adversely affect the building's salient architectural or historic features.
- (c) Signs which obscure or interfere with the function of windows or doors are prohibited.
- (d) Secondary signs shall be placed so that there is a minimum clearance of eight (8) feet from the bottom of the sign to the sidewalk or other pedestrian walkway. Hanging signs shall not extend beyond the outermost perimeter of the awning, canopy, or structural member to which it is attached.
- (e) Projecting signs shall be placed so that there is a minimum clearance of ten (10) feet from the bottom of the sign to the sidewalk or other pedestrian walkway. Projecting signs shall not extend above any public street.
- (f) Roof mounted signs are prohibited.
- (g) Free standing signs are prohibited with the following exceptions only:
  - (i) A free standing sign shall be permitted for any development of one (1) acre or more with multiple buildings.

- (ii) A free standing sign shall be permitted where building setbacks or surrounding buildings obscure the view of permitted projecting, awning or canopy signs.

Such permitted free standing signs shall be no larger than ten (10) square feet, shall not exceed twenty (20) feet in height, shall have a minimum clearance below the bottom of the sign of eight (8) feet above any sidewalk or other pedestrian walk way. No minimum clearance shall be required beneath free standing signs which are not above a sidewalk or other pedestrian walkway. A free standing sign shall be in lieu of any projecting, awning or canopy sign.

(10) Secondary Signs

- (a) In addition to any primary signs which are permitted, secondary signs as provided below are permitted.
  - (i) One (1) business shingle or banner may be hung from a projecting sign, awning or canopy,
  - (ii) Two (2) on-site signs, each no larger than ten (10) square feet advertising the premises for sale and/or lease shall be permitted for the period of time required to achieve the advertised transaction.
- (b) String pennants are prohibited.

(11) Maintenance

- (a) All signs shall be properly placed and continuously maintained so as not to become a safety hazard or detract from the appearance of the historic district or historic landmark.

(12) Removal of Signs

- (a) All signs advertising or related to a business shall be removed within thirty (30) days of termination of occupancy of that business.

(13) Sign Permits

- (a) No primary or secondary sign shall be erected in an historic district or on an historic landmark without first obtaining a permit therefor.
- (b) In addition to obtaining any required building permit, every applicant for a primary or secondary sign shall submit to the planning department complete information on all aspects of the proposed primary sign, including type, dimensions, design, color, materials, content, purpose and

placement. The submittal shall consist of a completed sign application form, construction plans, and a sample set of the proposed materials and/or paint colors. Any other documentation including photographs and catalogs, which may further support the application, are encouraged to be included.

- (c) If the planning department determines that an application for a primary sign permit is not in compliance with this Section 3.1414, the application shall be denied. If the applicant wishes to appeal the planning department's decision to the Historic Preservation Commission, he must file written notice to do so within ten (10) days of receipt of written notice that his application was denied. The decision of the Historic Preservation Commission shall be final.
- (d) Normal maintenance of signs and minor changes in wording or design, which maintains the size, color, and style of an approved sign does not require a new permit.

(Ordinance No. 2471 of May 10, 1990)

Cross Reference: See also Section 11.304(2) for Sign Zoning Requirements.

## **SECTION 3.1500 BUILDING STANDARDS COMMISSION**

### **3.1501 BUILDING STANDARDS COMMISSION ESTABLISHED**

#### **(1) Creation.**

The City Council shall provide for the appointment of a Building Standards Commission and the regulations and restrictions adopted shall be pursuant to the provisions of applicable statutory requirements for a building standards commission under state law.

#### **(2) Membership, Terms and Compensation.**

##### **(a) Number, Appointment.**

The Commission shall consist of five (5) members. Appointment of members shall be made by the City Council at the second regular meeting of the City Council after the City election. All members shall reside within the corporate City limits or within the extraterritorial jurisdiction of the City during the time in which they serve on the Commission. To the extent possible, the City Council shall appoint members to the Commission who have experience or expertise in the building trade.

## (b) Terms.

Terms for members shall be for two (2) years, and shall expire on the 15<sup>th</sup> day of June; provided, however, that the members shall continue to serve until their successors are appointed.

## (c) Initial appointments.

The initial appointments to the Commission shall have staggered terms so that two members are appointed for one-year terms and three members are appointed for two-year terms.

## (d) Vacancies.

Vacancies shall be filled by the City Council for the unexpired terms of any member whose term becomes vacant.

## (e) Removal.

A Commission member may be removed by the City Council for cause on a written charge and after a public hearing if so requested by the commission member subject to the removal action.

## (f) Compensation.

Members shall serve without pay. Members may be reimbursed for actual expenses incurred in the performance of their duties from available funds approved in advance.

## (g) Alternates.

The City Council shall be authorized to appoint up to eight (8) alternate members of the Commission who shall serve in the absence of one or more regular members when requested to do so by the Mayor or City Manager. The alternate members serve for two-year terms and are subject to removal in the same manner as the regular members.

### 3.1502 POWERS AND DUTIES

- (1) The Commission shall have the powers and duties as set forth in Chapter 52, Subchapter C of the Local Government Code to hear and determine cases concerning alleged violations of ordinances.

- (2) The Commission has the power to hear appeals and render decisions upon rulings and refusals of ruling by the Building Official when requests for a modification or a variation from the provisions of this Chapter have been made. Whenever the Building Official rejects or refuses to approve the mode or manner of work proposed to be followed or materials to be used in the proposed construction, or when it is claimed that the provisions of this Code do not apply, or that any equally good or more desirable form of installation can be employed in any specific case, or when it is claimed that the true intent and meaning of this Code or any of the regulations thereunder have been misconstrued or wrongly interpreted, the owner of such building or structure, or his/her duly authorized agent, may appeal the decision of the Building Official to the Commission. Notice of the appeal shall be in writing and filed within 30 days after the decision is rendered by the Building Official.

### 3.1503 PROCEDURES

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(1) Officers.

The Chairperson of the Building Standards Commission shall be elected from the membership of the Commission by a majority of the members. A Vice-Chair to serve in the Chairperson's absence shall be likewise elected.

(2) Meetings.

Meetings may be called upon request of the Chairperson of the Commission, or upon written request of three members, or upon notice from the Building Official that a matter requires consideration of the Commission.

(3) Quorum.

A quorum shall consist of a majority of the entire membership of the Commission and any issue to be voted on shall be resolved by a majority of those present.

(4) Notice of Meetings.

Public notice of all meetings of the Commission shall be posted according to the Texas Open Meetings Act.

(5) Rules of Proceeding.

The Commission shall adopt its rules of procedure by majority vote of the entire Commission, provided that such rules not be in conflict with laws applicable to the Commission or any provisions of the City Charter.



(6) Minutes.

The Commission shall keep minutes of its proceedings showing the vote of each member on each question or the fact that a member is absent or fails to votes. The Commission shall keep records of its examinations and other official actions. The minutes and records shall be filed immediately in the office of the commission as public records.

(7) Record of Proceedings.

The Building Official or his/her duly appointed agent is the Secretary of the Commission and shall keep a full record of all proceedings of the Commission and such other records as the Commission may direct; provided, however, that in no event shall any City employee vote on any matter pending before the Commission.

3.1504 VARIANCE OF PROVISIONS

The Commission, after hearing an appeal, may vary the application of any provision of this Code to any particular case, when it has determined that the enforcement thereof would do manifest injustice and would be contrary to the spirit and purpose of this Code or public interest.

3.1505 DECISION TO BE FINAL

Every decision of the Commission shall be final, subject however to such remedy as any aggrieved party might have at law or in equity.

3.1506 BUILDING OFFICIAL RULING EFFECTIVE PENDING APPEAL

During the pendency of an appeal to the Commission, the ruling or refusal of the Building Official shall be in full force and effect.

(Ordinance No. G-02-06-27-8A1 of June 27, 2002)

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